

2011 SCMR 1107

[Supreme Court of Pakistan]

Present: Nasir-ul-Mulk and Jawwad S. Khawaja, JJ

Mst. PARVEEN AKHTAR---Petitioner

Versus

NIAZ ALI and another---Respondents

Criminal Petition No. 451-L of 2008, decided on 4th January, 2010.

(On appeal from the order of the Lahore High Court, Lahore dated 22-9-2008 in Criminal Miscellaneous No. 1 of 2008 in Criminal Appeal No. 933 of 2007).

Criminal Procedure Code (V of 1898)---

---S. 426---Penal Code (XLV of 1860), S. 302(b)---Constitution of Pakistan, Art. 185(3)--- Qatl-e-amd---Suspension of sentence by appellate Court---Scope---Old age and accused having ailment like arthritis, not good grounds for grant of bail---Accused had been attributed effective fire shots on the person of the deceased---Order under S.426, Cr.P.C. was passed without notice to the complainant party---When notice to the convicts was issued by High Court for enhancement of their sentence to death, it was inappropriate to suspend the sentence for imprisonment for life of the accused--Supreme Court converted the petition for leave to appeal into appeal and set aside the impugned order and bail granted to the convict was recalled.

Ch. Farooq Haider, Advocate Supreme Court for Petitioner.

Basharatullah Khan, Advocate Supreme Court for Respondent.

Mian Asif Mumtaz, D.P.-G, Punjab for the State.

Date of hearing: 4th January, 2010.