

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No. 136 of 2026

Applicant : Muhammad Nadeem
S/o. Muhammad Ateeq
Through Syed Muhammad Nabeel
Mustafa advocate

The State : through, Mr. Sharafuddin Kanhar,
A.P.G.

Respondent No.2 : Abdul Wahab Siddiqui
S/o. Ameer Khusro
Through Mr. Siraj Ahmed Mangi,
advocate :

Respondent No.3. : Osama Fareed Nadeem
S/o. Muhammad Yamin,
Through: Nemo

Date of hearing : 24.08.2026.

Date of Order : 24.08.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Revision Application under Sections 435 & 439 Cr.P.C., the applicant/complainant Muhammad Nadeem S/o. Muhammad Ateeq seeks setting aside of the order dated 18.05.2026 (hereinafter referred to as the "*Impugned Order*") passed by the learned Additional Sessions Judge-XI, Karachi East in Sessions Case No 797/2025 [Re. The State Vs. Osama Fareed & another], whereby the learned Additional Sessions Judge was dismissed application under Section 227 Cr.PC filed by the applicant for alternation in charge.

2. The brief facts of the FIR, as narrated by the complainant Muhammad Nadeem are that he resides at the address mentioned in the FIR and is employed in the private sector. His daughter Samra, aged about 24 years was married in the year 2020 to Yahya Baig son of Haider Baig; however, the marriage lasted for approximately three months, whereafter she obtained a divorce and returned to the

complainant's house. Thereafter, she commenced employment and, being independent in her disposition used to remain outside the house until late at night, which frequently resulted in disputes between her and the complainant. In February 2024, she allegedly raised her hand against the complainant and thereafter left his house of her own free will, following which the complainant neither met nor had any contact with her, although her mother used to meet and visit her. On 10.07.2024, the complainant was informed by the police at his residence that the dead body of his daughter had been found at Plot No. 1208, 3rd Floor, Right Side, Naseem Lane, Sector 31-G, near Safed Masjid, Allahwala Town, Korangi Industrial Area, Karachi, and that she had sustained a gunshot injury. Upon receiving the information, the complainant went to the hospital, where he came to know that his daughter had allegedly been shot dead by some unknown person two to three days earlier. The complainant, therefore, alleged that unknown accused persons, for reasons unknown, had caused the death of his daughter by firing upon her and sought legal action against the culprits, hence, this FIR.

3. Learned counsel for the applicant submits that the learned Trial Court has erred in declining to exercise its jurisdiction under Section 227 Cr.P.C., which empowers the Court to alter or add to any charge at any time before the pronouncement of judgment where the material on record prima facie discloses the commission of additional offences. He contends that the statements of PW-2 and other witnesses recorded under Sections 161 and 164 Cr.P.C., coupled with the relevant laboratory reports, prima facie establish that Respondent No. 2 allegedly maintained sexual relations with the deceased on a false and fraudulent promise of marriage, resulting in her pregnancy, and subsequently caused the termination of the pregnancy without her consent, thereby disclosing offences under Sections 376 and 338-B/338-A PPC, subject to determination by the Trial Court on the basis of evidence. Learned counsel argues

that, at the stage of alteration or addition of charge, the Court is only required to determine whether the material available on record prima facie warrants the inclusion of additional offences and is not required to undertake a detailed assessment of the reliability or evidentiary value of such material. He further submits that the learned Trial Court, instead of applying this test, assessed the evidence on its merits and virtually rendered findings thereon, thereby failing to exercise the jurisdiction vested in it under Section 227 Cr.P.C.; hence, the impugned order suffers from a jurisdictional error and is liable to be set aside in exercise of the revisional jurisdiction of this Court under Section 435 Cr.P.C. Learned counsel for the applicant relied upon the case laws reported in PLD 2008 Lahore 578, 2021 P.Cr.L.J 904, 2022 YLR 2486 & 2026 MLD 344.

4. On the other hand, learned A.P.G assisted by learned counsel for Respondent No.2 opposes the instant Criminal Revision Application by submitting that no doubt it is the power of the learned trial Court to amend the charge at any time before pronouncing judgment but in the instant case, there is no necessity for the same.

5. I have heard the learned counsel for the applicant/complainant, the learned A.P.G. for the State, and the learned counsel for Respondent No. 2, and have carefully examined the material available on record. There is no cavil with the proposition that in terms of Section 227 Cr.P.C., a Court is empowered to alter or add to any charge at any time before the pronouncement of judgment; however, such power is to be exercised where the material available on record prima facie discloses the commission of an offence warranting alteration or addition of the charge. The mere existence of such power does not mean that a charge is required to be altered or additional offences

are to be incorporated in the absence of sufficient material supporting the same.

6. In the present case, the FIR was initially registered under Section 302 PPC in respect of the murder of the deceased, whereafter, upon completion of the investigation, the police submitted the challan against the accused persons under Sections 302/109/34 PPC, and the learned Trial Court accordingly framed the charge. During the course of the trial, the prosecution examined several witnesses, including PW-2 Mst. Mahnoor, the sister of the deceased, who produced certain receipts and laboratory reports. However, as rightly observed by the learned Trial Court, the said material, prima facie, only reflects pregnancy in the ultrasound reports and does not establish that the deceased underwent any abortion or miscarriage. Significantly, in her statement recorded under Section 164 Cr.P.C., the said witness did not state anything regarding the alleged pregnancy or termination thereof.

7. Furthermore, PW-9 Dr. Afshan Nazli, who conducted the post-mortem examination of the deceased, produced the relevant post-mortem and forensic reports and, during her cross-examination, categorically stated that she did not find any pregnancy or abortion upon examination of the dead body. Thus, the medical and other material presently available on record does not prima facie provide sufficient basis for incorporating the proposed offences relating to the alleged termination of pregnancy. The question whether the evidence led by the prosecution is sufficient to establish any of the offences for which the accused persons have already been charged is a matter to be determined by the learned Trial Court upon conclusion of the trial and after hearing the parties.

8. So far as the contention regarding the addition of an offence under Section 376 PPC is concerned, the allegation that Respondent

No. 2 maintained sexual relations with the deceased on a false promise of marriage, by itself, cannot at this stage be made the basis for adding such a charge without clear and sufficient material prima facie satisfying the essential ingredients of the said offence. The learned Trial Court was, therefore, justified in examining the material produced by the applicant and concluding that no convincing evidence was available to warrant alteration or addition of the charge as sought.

9. The revisional jurisdiction of this Court is limited and is to be exercised where the impugned order suffers from an illegality, material irregularity, jurisdictional defect, or results in a miscarriage of justice. The applicant has not been able to point out any such infirmity in the impugned order. On the contrary, the learned Trial Court has considered the relevant material and assigned cogent reasons for declining the application for alteration of charge. Merely because another view may be possible does not furnish a valid ground for interference in revisional jurisdiction.

10. In view of the foregoing reasons, I find no illegality, impropriety, or jurisdictional defect in the impugned order dated 18.05.2026 passed by the learned Additional Sessions Judge-XI, Karachi East. Consequently, the instant Criminal Revision Application, being devoid of merit, is **dismissed**.

Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party at the stage of final decision of the trial.

JUDGE