

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Revision Application No.S-26 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of M.A No.1497/2025 (Stay)
- 3. For hearing of main case.

30.06.2025

Mr. Shabir Ali Bozdar, Advocate for Applicant.
Mr. Abdul Majeed Memon, Advocate for Respondents No.3 to 5.
Mr. Muhammad Raza Katohar, Deputy Prosecutor General.
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Instant revision application is preferred by Applicant/complainant impugning order dated 11.03.2025 passed by learned IInd Additional Sessions Judge, Mirpur Mathelo in sessions case No.339/2024. The brief facts of the case are that FIR No.183/2023, was lodged under sections 452, 365-B, 147, 148, 149 PPC along with 3 /4 of Child Marriage Restraint Act 2013 (**“Act”**) at PS Ubauro.

Learned counsel for Applicant has contended that said FIR was lodged under the above noted provisions and trial was proceeded by the learned IInd Additional Sessions Judge, Mirpur Mathelo. Thereafter, challan was filed and cognizance was taken and subsequently charge was framed. Subsequently, evidence of the respective parties was recorded. Some of the accused persons were declared absconders against whom proceedings u/s 87/88 Cr.PC has already commenced. Learned counsel for Applicant contended that the Impugned Order is erroneous as the case has been remanded to the learned Magistrate only on the ground that offence Sections 3 and 4 of the Act are triable by a magistrate court. The same, according to learned counsel, is not warranted at this belated stage.

Learned counsel for Respondents No.3 to 5 has also supported the contention of the Applicant and stated that matter should be proceeded on merits before the court of competent jurisdiction.

Learned DPG has also, in a very impartial manner, assisted this court and submitted that the Impugned Order is not sustainable in law. The learned counsel has further invited my attention to the challan filed in this case, in which the sections pertaining to the Act have been included and cognizance was also taken by court of IInd Additional Sessions Judge, Mirpur Mathelo. Remand of this matter at this belated stage, according to learned counsel is unconscionable. He has further contended that other offences are not triable by Magistrate and a remand in the present circumstances will be an exercise in futility. He lastly averred that the impugned order may be set aside and learned IInd Additional Sessions Judge may be directed to proceed with the matter expeditiously.

I have heard all the learned counsels and perused the record. It is evident that matter was proceeded before the Court of learned IInd Additional Sessions Judge Mirpur Mathelo. Thereafter, the matter proceeded extensively before it was remanded to the Magistrate Court vide impugned order dated 11.03.2025. I concur with the contentions of the learned counsels that most of the offences are not triable by the magistrate and remand of the case at this stage will elongate the proceedings. I would further like to clarify that I have specifically refrained myself from rendering any observation regarding merits of the case and instant order is only in respect of the jurisdiction of the respective court to try the matter in hand.

In light of what has been held above, the instant revision application is allowed. Consequently, the impugned order is set aside and matter is remanded to IInd Additional Sessions Judge, Mirpur Mathelo and to decide the matter within 90 days from the receipt of this order.

JUDGE

S.Nawaz(St)'