

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Appeal No. S-84 of 2023
Crl. Appeal No. S-85 of 2023
Crl. Appeal No. S-86 of 2023
Crl. Appeal No. S-87 of 2023
Crl. Appeal No. S-88 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

ORDER
06.10.2025

Mr. Faisal Shams advocate for the appellant.
Mr. Zulfiqar Ali Jatoi, Additional P.G for the State.

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The learned counsel for the appellant has submitted that after the prosecution closed its case in three connected matters bearing Special Case Nos.43/2000, 106/1997, and 60/1997 arising from FIR Nos.12/1996, 13/1996, and 14/1996 registered at P.S ACE Khairpur, the appellant’s statement under section 342 Cr.P.C was recorded by the learned Special Judge, Anti-Corruption (Provincial) Sukkur Division. It is contended that during this statement, the appellant introduced a no dues certificate concerning the alleged misappropriated amount, produced as Ex.15/A, Ex.14/A and Ex.12/A respectively. Furthermore, it was highlighted that an application under section 540 Cr.P.C. seeking to summon Munwar Ali Mirani, the then District Food Controller (DFC), as a defense witness was filed and the record of the trial court case diary dated 05.05.2023 confirms this fact. Despite this, the trial court omitted to consider this application in its impugned judgment. The appellant maintains that the amount allegedly misappropriated was in fact deposited, corroborated by the no objection certificate issued by the DFC, and therefore urges that the case be remanded for recording the testimony of Munwar Ali as a defense witness to enable a just and thorough adjudication.

2. The learned Additional Public Prosecutor, after reviewing the record, has conceded that the application under section 540 Cr.P.C. was indeed filed and that the no objection certificate issued by the DFC was annexed in the appellant's statement under section 342 Cr.P.C. In the interest of justice and fair trial, it is deemed appropriate to remand the case to the trial court for recording the evidence of Munwar Ali, the then District Food Controller, as a defense witness.

3. Given that the raised contentions relate to critical aspects of the defense and merit full consideration, the impugned judgment cannot be allowed to stand. By mutual consent, the impugned judgment is set aside and the matter is remanded to the trial court with explicit directions to examine PW Munwar Ali as a defense witness for the purpose of verifying the authenticity of the no dues certificate allegedly issued by him. Consequently, Criminal Appeal Nos. S-84, S-85, and S-86 of 2023 stand disposed of in the aforementioned terms, while Criminal Appeal Nos. S-87 and S-88 of 2023 are adjourned for further hearing on 23.10.2025.

4. The office is directed to ensure a signed copy of this order is placed on record in all captioned connected cases.

J U D G E