

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Revision No. S-96 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objection.
- 2. For hearing of main case.

ORDER
24.11.2025

Ms. Farzana Bhatti advocate for the applicant.
Mr. Muhammad Raza Katohar, D.P.G for the State.

The learned counsel for the applicant submits that the applicant was convicted and sentenced in Criminal Case No.11/2024 (The State vs. Fazulullah and another), Crime No.116/2022, under sections 489-F, 506(2), and 34 of the Pakistan Penal Code, by the learned IInd Civil Judge and Judicial Magistrate Kotdiji, vide judgment dated 17.11.2023. The applicant challenged this conviction and sentence before the learned Sessions Judge Khairpur through Criminal Appeal No.15/2023. However, the learned IIIrd Additional Sessions Judge Khairpur dismissed the appeal on the sole ground that the applicant had already served the sentence, having been granted multiple remissions as reported by the Jail Superintendent, thus rendering the appeal infructuous. It is contended that this approach resulted in a manifest miscarriage of justice, since the appellate Court failed to address the substantive illegality apparent in the trial Court’s judgment dated 17.11.2023, thereby committing a grave legal error by confining its decision to a procedural technicality in the order dated 15.03.2024.

Conversely, learned Deputy Prosecutor General has candidly conceded that the impugned judgment did not comply with legal requirements, as the appellate Court ought to have adjudicated the appeal on its merits rather than dismissing it on the ground of sentence already served. He accordingly

supports the revision to set aside the impugned order and remand the matter for proper consideration of the appeal on its substantive merits.

After hearing the parties and perusing the record, this Court finds that the appellate Court's decision to foreclose the appeal on the basis that the appellant had already undergone the sentence, while ignoring the merits and the legality of the trial Court's conviction and sentence, is unsustainable in law. The liberty of the individual is a paramount right, and such issues call for thorough judicial scrutiny rather than dismissal on technical grounds.

Therefore, in the interest of justice and to ensure fair trial rights, this court allows the present Criminal Revision Application. The impugned order dated 15.03.2024 passed by the learned appellate Court is hereby quashed. The matter is remanded to the learned IIIrd Additional Sessions Judge Khairpur for a fresh adjudication of the appeal on its merits after affording both parties a full and fair opportunity of hearing. The learned appellate Court is directed to evaluate the evidence meticulously and pass a reasoned order in accordance with law.

The instant Criminal Revision Application is disposed of accordingly.

J U D G E