

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.330 of 2025

Applicant : Muhammad Sadan Ali
son of Muhammad Ali Sodagar
Through Mr. Niaz Muhammad
Ghumro, Advocate

Respondent-2 : Jahanzeb Qureshi
son of Muhammad Ayub Qureshi
through 'Nemo'

Respondent No.1
/The State : through, M/s. Sharafuddin Kanhar
A.P.G.

Date of hearing : 20.04.2026.

Date of Order : 20.04.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Revision Application under Sections 435 & 439 Cr.P.C., the applicant, Muhammad Sadan Ali son of Muhammad Ali Sodagar, seeks setting aside of the order dated 20.12.2025 (hereinafter referred to as the "Impugned Order") passed by the learned Additional District & Sessions Judge-VII/Special GBV Court, Karachi, East, in Sessions Case No. 2827/2021 (Re: Muhammad Sadan Vs. The State), whereby the learned Judge allowed the application under Section 227 Cr.P.C. filed by the learned APG.

2. The prosecution case, as per the FIR, is that the complainant Jahanzeb Qureshi resides at the address mentioned in Column No. II and is employed at New Sabzi Mandi. On 08.04.2021, after returning home from Sakrand, the complainant left his house to purchase groceries. Upon his return, he found a crowd gathered in the apartment's parking area, where his wife was also present. She informed him that a neighbor, Muhammad Sadan Ali son of Muhammad Ali, had taken their son Muhammad Fuzail, aged about 7 to 8 years, to the roof of the building and raped him. The

complainant's wife further stated that when she went to the roof, Muhammad Fuzail came to her crying and disclosed that the incident had occurred at about 10:00 a.m. Thereafter, the complainant called the emergency helpline 15, and upon arrival of SIP Muhammad Sharif, he narrated the entire incident and handed over the suspect to the said police officer, who prepared the necessary memos at the spot. The parties then proceeded to the police station, where the complainant lodged the instant FIR, hence this case.

3. Learned counsel for the applicant contended that the impugned order is illegal and without lawful authority; that amendment of charge at such a belated stage has seriously prejudiced the applicant's defence; and that the Trial Court failed to appreciate that there was insufficient material on record to justify the inclusion of additional offences. It was further argued that the impugned order is liable to be set aside.

4. Conversely, the learned APG supported the impugned order, submitting that the law permits amendment of charge at any stage of the trial if the material on record so warrants. He contended that the supplementary challan clearly discloses the commission of additional offences and that no prejudice would be caused to the applicant, as he would have full opportunity to defend himself against the amended charge.

5. I have heard the learned counsel for the parties and perused the available record with their assistance.

6. It is a settled principle of law that a Court is competent to alter or amend a charge at any stage of the proceedings before judgment is pronounced, provided such alteration is based on material available on record and the accused is afforded a fair opportunity to defend himself. The object of this provision is to ensure that the real

controversy between the parties is adjudicated upon and that no offence disclosed from the record escapes trial due to a technical omission at the initial stage.

7. In the present case, it is pertinent to note that on 09.10.2021, charge was initially framed against the accused for committing offence under Section 377 read with Section 511 PPC. Subsequently, on 19.02.2022, the Investigating Officer submitted a supplementary challan bearing No. 320-A/2022 against the accused for commission of offences under Sections 377-B and 342 PPC. Thereafter, on 16.04.2022, the charge was amended; however, it was again framed only to the extent of Section 377 PPC instead of Section 377-B PPC. It is further observed that, as per the supplementary challan, the ingredients of Section 377-B PPC are clearly attracted and available on record in the present case. Section 377-B PPC specifically pertains to punishment for sexual abuse as defined under Section 377-A PPC, which includes sexual assault of a child and prescribes stringent punishment. The learned Trial Court, upon consideration of the material available in the supplementary challan, rightly exercised its jurisdiction in allowing the amendment of charge. No illegality or material irregularity has been shown in the exercise of such jurisdiction.

8. The contention regarding prejudice is misconceived, as the law sufficiently safeguards the rights of the accused by allowing recall of witnesses or production of further evidence after amendment of charge. Therefore, the applicant cannot legitimately claim deprivation of a fair opportunity of defence.

9. It is well-settled that the revisional jurisdiction of this Court is limited and can only be exercised in cases involving patent illegality, material irregularity, or jurisdictional defect. The impugned order, having been passed in accordance with law and on proper appreciation of the record, does not warrant interference.

10. For the foregoing reasons, the instant Criminal Revision Application, being devoid of merit, is hereby **dismissed**. The impugned order passed by the learned trial Court is maintained.

JUDGE