ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-583 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE

For orders on office objection
For hearing of main case

05.11.2026

Mr. Aijaz Hussain Jatoi, Advocate along with applicant
Mr. Altaf Hussain Khokhar, DPG

OMAR SIAL, J:- This is a challenge to an order dated 23.04.2024, passed by the learned Additional Sessions Judge, Sehwan. In terms of the impugned order, the learned Judge did not take cognizance of an offence under Section 397 PPC; however, took cognizance of an offence under Section 392 PPC. Learned counsel for the applicant while arguing the application says that he should have taken cognizance of Section 397 PPC as the person who was robbed was injured in this episode. He graciously concedes that the injury sustained by the applicant's sister namely Mst. Zareena was grievous. Section 397 PPC is applicable when during a robbery the robbers cause grievous hurt or attempt to cause death or grievous hurt to any person. It appears that the learned trial Judge is correct that the ingredients of Section 397 PPC are not being satisfied *prima facie.* At this juncture, complainant / applicant Noor Ali @ Ali present says that the trial Court is not proceeding with the case. The trial Court is requested to decide the case expeditiously and further if during the course of recording the evidence, the trial Court comes to the conclusion that an offence under Section 397 PPC has indeed been committed, it is empowered to amend the charge accordingly.

Learned counsel and his client and the learned Deputy Prosecutor General Sindh both are satisfied and do not wish to press the application any further, which is disposed of as above.

JUDGE

Ali Haider