

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Appeal No. S-70 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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08.10.2026

Mr. Pervez Akhter Talpur advocate for the appellant.

Mr. Ghulam Abbas Dalwani, D.P.G.

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RIAZAT ALI SAHAR, J: Consequent to order dated 28-09-2026,whereby explanation was called from the learned 1st Additional District Judge, Sanghar through M.I.T-II, Karachi, with regard adopting the cross examination of the P.Ws namely Ali Nawaz (dated 03-12-2018), Riaz Ali (dated 04-12-2018), Muhammad Ashraf (dated 04-12-2018), Mir Muhammad (dated 15-12-2018), Abdul Shakoor (dated 17-12-2018), Sher Chand (dated 08-01-2019), Dr. Sabir (dated 25-04-2019) and Ghulam Raza (dated 25-04-2019), a report has been furnished by Mr. Ashfaqe Ahmed Nizamani, learned Additional District Judge-I/ M.C.T.C, Sanghar, which reflects that Mr. Ameemuddin Rana was posted in that Court from 01-08-2017 to 29-09-2021, who had adopted the cross examination at earlier phase. In this regard, the M.I.T-II Karachi, is again directed to call explanation that under what provision of law said learned Additional District Judge has adopted cross examination of the P.Ws.

Learned counsel for the appellant placed reported case i.e. P L D 2021 Sindh 533 and Judgment passed in Criminal Jail Appeal No.D-81/ 2019, wherein, in same circumstances,

cases were remanded to the trial court for re-calling and re-examination of witnesses already examined.

Therefore, in such circumstances, impugned Judgment dated 13-05-2019 passed in Sessions Case No. 370 of 2013 Re: *The State v. Muhammad Saleem and others* (arising out of F.I.R., bearing Crime No. 132/ 2013 u/s 302, 324, 337-H(ii), 147, 148, 149, 504 P.P.C of P.S Sanghar) by learned Additional Sessions Judge-I/M.C.T.C, Sanghar, is hereby set aside and **matter is remanded back to the learned trial court with direction to re-call and re-examine with regard to cross examination of all the P.Ws, whose cross examination have been adopted by the learned Ex-trial Judge.** Since the instant case pertains to year 2013, therefore, learned trial court is strictly directed to conclude the trial within a period of three months by conducting the proceedings twice in a week.

Since appellant is in custody for about last 13 years and instant case is being remanded due to lack of proceedings on the part of learned trial court, therefore, he is admitted on bail subject to furnishing a solvent surety in the sum of Rs.200,000/= (Rupees Two Lacs only) and P.R.Bond in the like amount to the satisfaction of learned trial court.

In view of above, instant Criminal Appeal stands **disposed of** accordingly.

JUDGE

"Saleem"

