

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal No.S-322 of 2019

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

11.02.2021.

Mr. Wazeer Hussain Khoso, Advocate for appellants.
Mr. Shevak Rathor, Addl.P.G for the State.
Mr. Shakir Ali Talpur, advocate for the complainant.

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The appellants are alleged to have committed death of Mst. Hafizan, for that they were booked and reported upon. On due trial they for offence punishable u/s 302(b) and 34 PPC were convicted and sentenced to undergo Imprisonment for Life and to pay compensation of Rs.200,000/-each to the legal heirs of the said deceased and in default whereof to undergo Simple Imprisonment for six months by learned Model Criminal Trial Court-I, Hyderabad vide his judgment dated 12.10.2019, which is impugned by the appellants before this Court.

2. At the very outset, it is stated by learned counsel for the appellants that the appellants by making an application 265-F(7) Cr.P.C wanted to examine witnesses in their defence; but they could not produce them before learned trial Court for the reason that they were in jail; therefore, they were forced to close their side, in that way they have been denied right of fair trial as is prescribed by Article-10(A) of the Constitution of Islamic Republic of Pakistan, 1973. By stating so, he sought for remand of the matter to learned trial Court

for re-writing of the judgment after summoning and examining the defence witnesses.

3. Learned Addl.P.G for the State and learned counsel for the complainant have recorded no objection to the proposal advanced by the learned counsel for the appellants.

4. I have considered the above arguments and perused the record.

5. In view of above, the impugned judgment is set-aside with direction to learned trial Court to summon and examine the defence witnesses and then to pass fresh judgment in accordance with law preferably within three months after receipt of copy of this order.

6. Instant appeal is disposed of in above terms.

Judge

Ahmed/Pa.*