

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

Criminal Revision Application No. S-07 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on MA-486/2021
For orders on office objections
For orders on MA-487/2021
For hearing of main case
For orders on MA-488/2021

22.02.2021.

Mr. Shoukat Ali Kaka, advocate for applicant.

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The facts in brief necessary for disposal of instant revision application are that on hearing of Criminal Appeal No.D-81 of 2019, filed by accused Zubair, the very case was remanded by this Court to learned Trial Court for denovo trial. On receipt of the remand order, learned Trial Court amalgamated the case of accused Zubair with that of co-accused Muhammad Ali and Muhammad Sharif alias Kalia vide order dated 23.11.2020, it is impugned by the applicant before this Court by making instant Criminal Revision Application.

2. It is contended by the learned counsel for the applicant that the case of the applicant was ripe for its disposal, therefore, it was not to have been amalgamated with the case

of co-accused Zubair by learned Trial Court, such amalgamation being illegal is liable to be set-aside.

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

4. It is requirement of section 239 (a) Cr.P.C person (s) accused of same offence committed in course of same transaction may be charged and tried togetherly. This provision of Law has been introduced in Criminal Procedure Code by the legislature obviously to avoid conflict of Judgments. Learned Trial Court by amalgamating the case of the applicant with co-accused Zubair to be tried afresh by way of impugned order has followed the command of Law thereby has committed no wrong which could be made right by this Court by way of instant Criminal Revision Application, same being misconceived is dismissed in *limine* together with the pending applications.

JUDGE

Muhammad Danish Steno*