

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Appeal No.S-167 of 2018

Appellant: Loung son of Usman Khaskheli, 2) Ghulam Hussain alias Guloo son of Essa Khaskehli and 3) Baboo son of Allah Rakhio Khaskheli through Mr. Ghulamullah Chang, advocate.

The State: Through Ms. Sana Memon, A.P.G for the State.

Complainant: Muhammad Ramzan son of Meenhwassayo through Mr. Shoukat Ali Pathan, Advocate

Date of hearing : 15.03.2021

Date of decision : 15.03.2021

J U D G M E N T

IRSHAD ALI SHAH-J; It is alleged that the appellant with rest of the culprits by committing trespass into house of complainant Muhammad Ramzan not only committed murder of Ibrahim but caused injuries to the complainant and PW Ishaque, for that the present case was registered. The appellants denied the charge and prosecution to prove it examined the complainant and his witnesses and then closed the side. The appellants in their statements recorded u/s 342 Cr.P.C denied the prosecution's allegation by pleading innocence. On conclusion of the trial, the appellants were convicted and sentenced to various terms by learned 2nd Additional Sessions Judge, Badin by way of judgment dated 02.07.2018, which is impugned by the appellants before this Court by way of instant appeal.

2. At the very outset, it is pointed out by learned counsel for the appellants that no question with regard to the recovery or reports of

chemical/ballistic expert has been put to any of the appellants during course of their examination u/s 342 Cr.P.C by learned trial Court to have their explanation, which is contrary to the principal of fair trial as is prescribed by Article 10-A of the constitution of Islamic Republic of Pakistan, 1973. By pointing out so, they sought for remand of the matter to learned trial Court for re-writing the judgment after recording statements of the appellants u/s 342 Cr.P.C afresh.

3. In view of the above, the impugned judgment is set-aside with direction to learned trial Court to re-write the same after recording the statements of the appellants u/s 342 Cr.P.C afresh, such exercise to be completed within two months after receipt of copy of this judgment.

4. The instant jail appeal is disposed of accordingly.

J U D G E

Ahmed/Pa,