

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Appeal No. 661 of 2018

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of main case.

**09-05-2023**

M/s. M.A. Kazi and Irshad Ali Jatoy, Advocates a/w appellant.  
Ms. Robina Qadir, Addl.P.G.

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**Omar Sial, J:** At the very outset the learned counsel for the appellant has submitted that the requirements of Article 10-A of the Constitution were not fulfilled and the appellant was not given a fair trial. He based this submission on the fact that no opportunity to cross examine PW-1 Mohammad Faizan and PW-2 Zaheer Ahmed was given to the appellant at trial. The record reflects that the learned counsel is correct in his assertion. The learned Addl.P.G. after going through the record also acknowledges that the learned counsel is correct and that the case should be remanded back to the learned trial court so that the 2 witnesses can be cross examined.

2. In view of the above, the case is remanded back to the learned trial court so that the 2 witnesses can be re-called and an opportunity to be cross examined given to the appellant's counsel. Once the witnesses have been examined, a fresh statement under section 342 Cr.P.C. shall be recorded and a fresh judgment rendered thereafter. The learned trial court, under no circumstances shall give the parties more than 2 adjournments while evidence is being re-recorded. If more than 2 adjournments are sought the learned trial court should proceed with the matter while noting breach of this condition. Counsel for the appellant and the appellant himself have been informed of the restriction on adjournments and both undertake that they shall fully comply. It is expected and hoped that the learned trial court will conclude this entire exercise in a period of 6 months.

3. The appellant is on bail. His bail granted by this Court will continue to remain in effect for a period of 2 weeks from the date of this order within which the appellant is directed to surrender before the learned trial court and seek bail from the learned trial court.

4. Appeal is disposed of in the above terms.

JUDGE