

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

Crl. Rev. Application No. 101 of 2022

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

For hearing of case

**11-05-2023**

Syed Ali Ahmed Zaidi, Advocate for applicant.

Syed Naseem Kausar, respondent No.2 present in person.

Mr. Talib Ali Memon, A.P.G.

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**Omar Sial, J:** It seems that the learned trial court was not assisted properly and as a consequence an error crept up in the impugned judgment dated 28.03.2022. Judgment of the Supreme Court in the case of **Shaikh Mohammad Nasim vs Farida Gul (2016 SCMR 1931)** was not cited before the learned trial court and hence reliance was placed on **Bashir Ahmed v Additional Sessions Judge (PLD 2010 SC 661)** in the judgment. Unfortunately the latter case has also been cited incorrectly in the judgment impugned as Mobashir Ahmed v The State (PLD 2010 SC 665). In the Shaikh Mohammad Nasim (supra) judgment, the rationale of the Bashir Ahmed (supra) judgment was held to not be good law.

2. In view of the above, the impugned judgment is set aside and the case remanded back to the learned trial court to be decided afresh after notice to both parties.

JUDGE