

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Rev. Application No. 232 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of case

05-05-2023

Mr. Iftikhar Ahmed Shah, Advocate for applicant.
Mr. Raj Ali Wahid Kunwar, Advocate for respondent No.1.
Mr. Faheem Hussain Panhwar, Addl.P.G.

=====

The dispute between the parties is that learned 3rd Additional Sessions Judge, Karachi South has declined an application made by the complainant that the charge be amended to include sections 509 and 347 P.P.C.

After arguing at some length, the parties are in agreement that the learned trial court should continue with the trial and if at the end of the trial, after reviewing the evidence, the learned trial court reaches the conclusion that the evidence recorded reveals commission of an offence under section 509 or 347 P.P.C., the appropriate sentence may be awarded under those sections.

The answering respondent and the learned counsel appearing for him, both categorically represent, that if the applicant is convicted under sections 509 or 347 P.P.C., the fact that the 2 sections were not mentioned in the charge will not prejudice the respondent and that no objection in this regard will be raised by them. Upon the foregoing representation being made, the learned counsel for the applicant does not press the application further.

Deposed of in the above terms.

JUDGE

iLearned counsel for the applicant has justified his position whereas learned counsel for the respondent No.1, on the other hand, submits that the learned trial court has ample power to continue proceedings in another section of law if at the end of the trial it comes to the conclusion that another offence has been committed subject to the fact that such punishment other than section was not included would prejudice the accused. I notice that section 509 P.P.C. insulting modesty or causing sexual harassment. If the learned trial court includes section 509 and 347 P.P.C. it may convict and sentence the applicant under those sections. Applicant as well as his counsel both represent that they have no objection if at the end of the trial the learned trial court find guilty of section 509 and 347 P.P.C.

In view of the above this Crl. Rev. application stands disposed of.

JUDGE

saleem