

## **IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. Revision Application No. D-12 of 2021  
**(Talib Hussain v. The State & another)**

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &  
Mr. Justice Arbab Ali Hakro**

Mr. Achar Khan Gabol, Advocate for the applicant.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing & Order: **16-11-2023**

### **ORDER**

**MUHAMMAD IQBAL KALHORO, J:-** This Crl. Revision has been filed against a judgment dated 29.07.2021, passed by learned IV-Additional Sessions Judge, Khairpur in Sessions Case No.450 of 2017, arising out of crime No.133 of 2017, registered at P.S, Mirwah under section 354-A PPC, whereby respondent No.2 Mubeen Ali Siyal was convicted and sentenced under section 354 PPC to suffer R.I for two years and to pay fine amount of Rs. 25,000/-, with a view to enhance his punishment on the grounds, *inter alia*, that though the offence under section 354-A PPC was registered against the respondent, which as per evidence of witnesses, was proved beyond a reasonable doubt, as noted by learned trial Court in the impugned judgment, but he was given punishment under section 354 PPC.

**2.** Learned counsel for the applicant in order to support this revision application has submitted that the prosecution was able to prove the case against the respondent beyond a reasonable doubt; hence, he was convicted and sentenced through the impugned judgment, which he has not challenged before any Court. Although, the incident took place inside the house, where sister of complainant Mst. Rani was assaulted by respondent inside the house and whose clothes were torn off by him, but she was exposed to the public view, hence section 354 PPC was attracted. More so, his intention would be taken into consideration rather than his act for giving him punishment.

3. On the other hand, learned Deputy P.G has supported the impugned judgment and has relied upon case law reported as *Qadir Shah and others v. The State* (**2009 SCMR 913**), in which the Supreme Court has observed that two conditions must co-exist and must be fulfilled to bring the case within the ambit of section 354-A PPC. Firstly, there should be stripping off the clothes of the victim and secondly she is exposed to the public view. Both the ingredients are lacking in this case. Firstly, it is alleged that her clothes were torn off and she was stripped, but, reportedly, the clothes were not produced before the Court to verify this allegation. Secondly, the incident took place in a room inside the house and not outside in public view and therefore she was not exposed to the public at large to give the respondent conviction and sentence under section 354-A PPC. Learned trial Court while discussing these points in paras-19 & 20 has given cogent reasons for convicting and sentencing respondent No.2 under section 354 PPC rather section 354-A PPC. No exception can be taken to the reasons given by the trial Court in reaching the findings, as above.

4. Accordingly, this Crl. Revision Application is **dismissed**.

**JUDGE**

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