

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Miscellaneous Application No.769 of 2023

Date	Order with signature of Judge
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1. For order on MA No.14543/2023 (Urgency)
2. For order on MA No.14544/2023 alongwith office objection on review of application
3. For order on MA No.14545/2023 alongwith office objection on review of application

**04.12.2023**

Mr. Shahzad Qamar Abbas advocate for the applicants  
Mr. Khalid Hussain Khoso advocate for respondent No.1  
Mr. Sharafudin Jamali, AAG

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Through this Review / Miscellaneous application under Section 561-A Cr. P.C, the learned counsel for the applicant seeks a Review of the order dated 15.11.2023, passed by this Court in the present Criminal Miscellaneous Application, whereby the same was disposed of with the following observations:-

*“Applicants have filed the instant Criminal Misc. application under Section 561-A Cr. P.C. seeking directions to SHO concerned to record his statement under Section 154 Cr. P.C.*

*Learned counsel for respondent No.1 states at the bar that FIR No. 344/2023 at Police Station Tipu Sultan has already been lodged, therefore, the instant criminal misc. application has served its purpose.*

*In view of the above, since the purpose of filing the instant criminal misc. Application has been served, as pointed out, besides the applicants have failed to put their appearance before this Court to assist, therefore, the same is dismissed in terms of the statement of the counsel”.*

Heard learned counsel for the parties and have perused the material available on record minutely.

It is a well-settled proposition of law that review is not admissible in judgment or order passed in Criminal proceedings except the rectification of error.

The review has very limited scope for recalling/setting aside the earlier judgment or order passed by the Court in its Criminal jurisdiction, and neither the parties can be permitted to rehear the whole case nor the merits of the case can be discussed again.

It has been settled in the case of Muhammad Zafarullah Khan v. Muhammad Khan **PLD 1975 S.C 300**, by the Supreme Court that Review cannot be made a pretext for rehearing the whole case nor merits of the case can be discussed, only error on the face of record can be pointed out. Review cannot be sought as a matter of right and it can be refused even though ground for such action exists. In the case of Rehmat Ali v. The State (**1971 SCMR 513**), the Supreme Court has observed that Review is not admissible in Criminal proceedings.

I have gone through the provision provided under Section 369 Cr. P.C., which precludes the Court of Criminal jurisdiction to alter its judgment and order after it has been written, signed, and pronounced except to correct a clerical error.

Adverting to the case in hand, applicants have failed to point out any illegality, infirmity, or error, if committed by this Court, while passing the impugned order, hence same does not call for any interference. The applicants could not contemplate any valid ground for consideration of the Review/Miscellaneous Application. Consequently, the instant Review/Miscellaneous Application stands dismissed being devoid of any legal substance and disposed of in the above terms.

JUDGE