

## ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Revision Application No. S-01 of 2022

*(Muneer Ahmed Bozdar Vs. The State & others)*

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1. For Orders on office objection.
2. For Orders on MA No. 93/2022.
3. For hearing of main case.

**13-12-2023.**

Mr. Sohail Ahmed Khoso, advocate for the applicant.

Mr. Aftab Ahmed Shar, Additional P.G for the State.

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**IRSHAD ALI SHAH, J;-** The facts in brief necessary for disposal of instant Crl. Revision Application are that the private respondent with one more culprit allegedly in furtherance of their common intention, caused fire shot injury to PW Saeed Ahmed on his perennial area with intention to commit his murder, for that he was booked and reported upon by the police. At trial, the private respondent did not plead guilty to the charge and case proceeded, when it was at the verge of its final disposal, he pleaded guilty to the charge by making an application, it was accepted and consequently he was convicted u/s 324 PPC and sentenced to undergo rigorous imprisonment for eighteen months with fine of rupees five thousand and in default in whereof to undergo simple imprisonment for one week with benefit of section 382 (b) Cr.P.C by learned IIIrd Additional Sessions Judge Mirpur Mathelo vide judgment dated 04-12-2021, which is impugned by the applicant before this Court by preferring the instant Crl. Revision Application for adequate punishment to the private respondent.

2. It is contended by learned counsel for the applicant that learned trial Court has awarded improper and inadequate punishment to the private respondent, which needs to be examined by this Court.

3. Learned APG for the State did not support the impugned judgment. The private respondent has avoided service of notice upon him successfully, hearing to him even otherwise in terms of section 440 Cr.P.C is optional.

4. Heard arguments and perused the record.

5. Section 324 PPC besides prescribing punishment on point of intention or knowledge and circumstances prescribes punishment for hurt or injuries caused to the victim. In the instant case, no punishment is awarded to the private respondent for causing fire shot injury to PW Saeed Ahmed; such omission has rendered the very judgment to be illegal. Morese, in first instance, the private respondent did not plead guilty to the charge and case proceeded against him, when it was about to be disposed of finally, he pleaded guilty to the charge by making an application and it was accepted accordingly. Law does not prescribe acceptance of plea of guilt of the accused at subsequent stage after commencement of trial; such omission too has rendered the proceedings of the case to be illegal. It is settled by now that the things are to be done in a manner prescribes by law; if done otherwise; then those would be unlawful. Consequently, the impugned judgment being illegal is set aside with direction to learned trial Court to proceed with the case further and in accordance with law from the stage when the proceedings were terminated on the basis of so called plea of guilt of the private respondent.

6. The instant CrI. Revision Application is disposed of accordingly.

J U D G E