

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Jail Appeal No. 69 of 2020

Date	Order with signature of Judge
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- 1.For order on M.A. No.671/2020
- 2.For hearing of case
- 3.For hearing of MA No.345/2021

31.07.2023

Mr. Khalid Ahmed Khan, Advocate for the appellant.
Mr. Hussain Bux Baloch, APG.

At the outset, when the learned counsel for the appellant started arguing the matter through reading of Charge available at page 43, he highlighted gross errors in the Charge as first of all, per learned counsel, Section 224 Cr.P.C requires words in the Charge to be taken in the sense of law under which offence is punishable. Admittedly, per learned counsel, the offence is of murder Qatl-e-Amd, however, in the Charge word “exterminated” has been used which does not satisfy the requirements of Section 224 Cr.P.C as well as per learned counsel while the Charge states that Arsalan was complainant’s son whereas, such version is contrary to the fact as Arsalan was son of Munawar Khan which fact though has been mentioned in the Charge but in a very confusing manner and per learned counsel, per section 225 Cr.P.C it is a case of serious failure of justice. Learned Addl. P.G. admitted the assertions of the learned counsel and points out certain other infirmities and irregularities for example statement of accused under Section 342 Cr.P.C was required to be recorded under the handwriting

of the learned Presiding Officer which requirement prescribed by Sindh High Court Rules has not been complied with.

For the above reasons impugned judgment is set aside, matter is remanded to the learned trial Court for retrial from the state of framing of charge in accordance with law, however, looking at the advance age of the appellant who is 74 years of age, he is granted bail subject to his furnishing solvent surety in the sum of Rs.50,000/- with P.R. bond in the like amount to the satisfaction of Nazir of learned trial Court.

JUDGE

Aadil Arab