

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Revision Application No.S-53 of 2014

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
<b><u>31.08.2023</u></b>	For hearing of main case.

Mr. Aghis-u-Salam Tahirzada, Advocate for applicant.

==

Muhammad Ayoub and four others (respondents) faced trial before the learned Judicial Magistrate-I Tando Allahyar in FIR No.92 of 2008 registered under sections 337-A(i), 337-F(vi), 504, 147, 148 and 149, P.P.C. and at the conclusion of trial vide impugned judgment dated 19.06.2010, they were convicted under sections 337-A(i) and 337-F(vi) P.P.C. and awarded sentence of payment of Daman amounting to Rs.10,000/- each total amounting to Rs.50,000/- payable to the injured Muhammad Umer and in default whereof they be kept in jail and dealt with in the manner as if sentence to simple imprisonment until Daman is paid in full but they were released on bail on the basis of furnishing surety equivalent to said Daman amount to the satisfaction of learned Magistrate.

Muhammad Usman the complainant of the case feeling aggrieved of the award of punishment of Daman to the convicts, prayed for enhancement in the sentences by filing criminal revision application directly before this Court by not approaching the revisional Court by stating that a lesser amount has been awarded by the trial court which may be enhanced.

In present criminal revision application vide order dated 18.11.2014 time was sought to place on record copy of Criminal Miscellaneous appeal filed by the respondents as well as order passed thereon but till then no compliance has been made.

This Court vide order dated 23.09.2016 has been apprised the legal point by counsel for private respondents as well as State Prosecutor that complainant instead of approaching 1<sup>st</sup> Appellate Court has directly invoked jurisdiction of this Court by making revision application for enhancement of sentence which is yet to be thrashed out. It appears that complainant has not exhausted the legal remedy available to him, therefore, in my humble view that present Criminal Revision Application is not maintainable directly before this Court. Further the judgment under challenged was passed in the year 2010 and present revision application was filed in the year 2014 and before this revision application an acquittal appeal was also filed which was converted into Criminal Revision Application and after filing of present revision application same was disposed of being infructuous vide order dated 24.02.2014. In such circumstances this Criminal Revision Application being not maintainable is dismissed.

JUDGE

