

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No.462 of 2020

Appellant: Noor Alam through Mr. Muhammad Arshad,  
advocate

The State: Mr. Siraj Ali Khan Chandio, Addl. Prosecutor  
General Sindh

Date of hearing: 06.10.2023

Date of judgment: 06.10.2023

## J U D G M E N T

**IRSHAD ALI SHAH, J-** The appellant is alleged to have committed murder of Mst. Amna his own wife by causing her fire shot injuries on account of dispute with her over second marriage, for that he was booked and reported upon by the police. On conclusion of trial, he was convicted under Section 302(b) PPC and sentenced to undergo rigorous imprisonment for life and to pay compensation of Rs.200,000/- to the legal heirs of the deceased and in default whereof to undergo simple imprisonment for 06 months with benefit of Section 382(b) Cr.PC by learned Xth-Additional Sessions Judge Karachi West vide judgment dated 05.10.2020 which he has impugned before this Court by preferring the instant Crl. Appeal.

2. At the very outset, it is pointed out by learned counsel for the appellant and learned Addl. PG for the State that examination-in-chief of I.O/ASI Fateh Muhammad was reserved for want of case property; he was never called to be examined further; such omission has not only prejudiced the appellant but *State* in its defence seriously which is contrary to the mandate contained by Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. By pointing out so, they suggested for remand of the case for further examination of ASI Fateh Muhammad in order to meet with the ends of justice.

3. Heard arguments and perused the record.

4. The omission which is pointed out by learned counsel for the parties takes support from the record, same being incurable in terms of Section 537 Cr.PC has occasioned in failure of justice, consequently, the impugned judgment is set aside with direction to the learned trial Court to call I.O/ASI Fateh Muhammad for his further examination as per law and then to make fresh disposal of the very case in accordance with law, preferably within three months after receipt of copy of this judgment.

5. The instant Criminal Appeal is disposed of accordingly.

JUDGE