

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Jail Appeal No. 260 of 2023

Appellant: Adnan Khan through Mr. Jamroz Khan Afridi, advocate

The State: Mr. Muhammad Anwar Mahar, DDPP for the State

Date of hearing: 30.04.2024

Date of judgment: 30.04.2024

J U D G M E N T

IRSHAD ALI SHAH, J- On completion of the trial, the appellant was convicted and sentenced to undergo various terms of imprisonment spreading over seven years by learned Xth-Additional Sessions Judge, Karachi South, vide judgment dated 28.04.2023, which he has impugned before this Court by preferring the instant Criminal Jail Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that PWs Muhammad Azam and Rajesh Kumar have not been cross-examined by the appellant or by his counsel which has prejudiced him in his defence seriously. By stating so, he sought remand of the case for its further proceedings as per law, which is not opposed by learned DDPP for the State.

3. Heard arguments and perused the record.

4. The omission pointed out above takes support from the record, the same being incurable in terms of Section 537 Cr. P.C has occasioned in failure of justice; consequently, the impugned judgment only to the extent of the appellant is set aside with a

direction to the learned trial Court to recall the above-named witnesses for their cross-examination to be made by the appellant or his counsel and then to make disposal of the case afresh against the appellant as per law, without being influenced by the earlier findings; such exercise to be completed within 03 months after receipt of copy of this judgment.

5. The instant Criminal Jail Appeal is disposed of accordingly.

JUDGE