

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

Cr.Rev.Appl.No.S- 94 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA 3563/2018.
2. For orders on MA 3564/2018.
3. For Katcha Peshi.
4. For orders on MA 3565/2018.

18.05.2018.

Mr. Mir Parvez Akhtar, Advocate for applicants.
Syed Meeral Shah, A.P.G. for the State.

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Through instant Criminal Revision Application, applicants/accused Kashif Ahmed and others have called in question order dated 09.04.2018 passed by learned 1st Additional Sessions Judge, Mirpurkhas in Sessions Case No.159 of 2012 on an application u/s 540 Cr.P.C. moved by ADPP for State for summoning Dr. Usama Medical Officer of Abbasi Shaheed Hospital Karachi as M.O had examined the deceased Farukh Ali.

Learned advocate for the applicants/accused submits that the medical certificate showing the cause of death of Farukh Ali issued by Abbasi Shaheed Hospital, Nazimabad Karachi has already been produced by another Doctor of Civil Hospital Mirpurkhas at trial and it is further submitted that examination of Dr. Usama is not essential for just decision of the case.

Syed Meeral Shah, A.P.G. present in court waived the notice of this Revision Application and argued that deceased was examined by Dr. Usama and M.O had issued medical certificate of cause of death of deceased and stated that his evidence is essential for just decision of the case.

After hearing the learned counsel for the parties, I have perused the impugned order as well as medial certificate issued by Dr. Usama. The relevant portion of the impugned order dated 09.04.2018 passed by learned

1st Additional Sessions Judge, Mirpurkhas in the above mentioned Sessions Case is reproduced as under:-

“It transpired from the perusal of record and after hearing the learned ADPP on behalf of the State that the deceased was expired in Abbasi Shaheed Hospital Karachi while medical treatment being provided at the said hospital, hence the evidence of Dr. Usama is necessary for the case of prosecution, therefore, the instant application is allowed in the interest of justice. Office is directed to summon the Dr. Usama Medical Officer of Abbasi Shaheed Hospital Karachi for his appearance alongwith relevant record of medical treatment of deceased for the purpose to record his evidence in this case.”

From the perusal of aforesaid order, it transpires that Farukh Ali injured had died in Abbasi Shaheed Hospital Karachi on 22.12.2013 . Medical certificate of cause of death of Farukh Ali has been issued by Dr. Usama. Evidence of Dr. Usama would be essential for just decision of the case. Impugned order is based upon sound reasons. As such, instant Criminal Revision Application is without merit and same is dismissed alongwith pending applications. Since case is old of 2012, Trial court is directed to decide the case within a period of two (02) months under intimation to this court.

JUDGE

Tufail