

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Appeal No.770 of 2024
(*Yousuf vs. The State*)

20.12.2024.

M/s. Muhammad Daud Narejo, advocate for appellants
Mr. Shoaib Safdar, APG a/w complainant

J U D G M E N T

MUHAMMAD IQBAL KALHORO J: Appellant, Yousuf has been convicted vide judgment dated 25.10.2024 by learned Assistant Sessions Judge Karachi Malir in Crime No.431/2023 of Police Station Malir City, Karachi for committing an offence u/s 23(i)(a) Sindh Arms Act, 2013 suffer 04 years of imprisonment and fine of Rs.100,000/- in default of which to undergo further rigorous imprisonment of 06 months. Hence, this appeal.

2. Learned counsel for the appellant at the very outset has submitted that the prosecution in the trial has examined in all 04 witnesses, one of the eye witness, namely, Asif Khan was declared hostile as he did not identify the appellant. Whereas, cross examination of PW-1 Asmatullah has been marked nil as no advocate represented the appellant in the case at the time of recording of his evidence. Further, no material questions have been asked from remaining two witnesses, namely, SIP Saeed Hassan Jaffery, the IO, and ASI Mahboob Ali, who had arrested the accused. Hence, he has requested that a fair opportunity be given to the appellant by remanding the case back to the trial Court to cross examine the said witnesses, so that a just and fair decision could be rendered in this case.

3. Learned Assistant Prosecutor General Sindh after going through the R&Ps of the case has confirmed this position and has given no objection to remanding the case back to the trial Court, so also, complainant, who is present in person.

4. Accordingly, the impugned judgment dated 25.10.2024 is set aside and the case is remanded to the trial Court to afford an opportunity to the appellant to cross examine the witnesses within a period of one month and announce the judgment after appreciating their evidence in accordance with law. Learned counsel for the appellant at this juncture, submits that at the time of judgment appellant was present on bail. In view of such fact, appellant would be at liberty to file a bail application for a fresh consideration by the trial Court.

This appeal is disposed of along with all pending applications in above terms.

J U D G E