

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**MIRPURKHAS**  
**Criminal Revision Application No.S-68 of 2024**

Applicant/ accused : Hoat s/o Mir Khan Mirpoto  
Through Mr. Ghulamullah Chang advocate

Respondents : 1. Learned Senior Civil Judge, Tando Adam  
through Reader.  
2. The State  
Through Mr. Ghulam Abbas Dalwani,  
Deputy P.G

Date of hearing : 24-09-2025.  
Date of decision : 24-09-2025

**ORDER**

**Amjad Ali Sahito, J;-** This Order shall decide the fate of the captioned Criminal Revision Application preferred by applicant Hoat s/o Mir Khan Mirpoto, impugning the judgment dated 19-05-2022, passed by learned Additional Sessions Judge-I, Tando Adam, in Criminal Appeal No. 04/ 2022 (Re. Hoat vs. The learned Senior Civil Judge Tando Adam through Reader” whereby appeal was dismissed and he maintained the judgment passed in Direct Complaint No.01/2021 by learned Civil Judge and J.M-I, Tando Adam whereby applicant/ accused was convicted to undergo R.I for two years and pay fine of Rs.5,000/- for offence punishable u/s 193 P.P.C, to undergo R.I for two years and to pay fine of Rs.5000/- for offence punishable u/s 196 P.P.C and to undergo R.I for one year and to pay fine Rs.5000/- for offence punishable u/s 471 P.P.C; in case of default in payment of fine, to suffer simple imprisonment for two months more. All the sentences awarded were ordered to run concurrently and benefit of section 382-B Cr.P.C was also extended to accused.

2. The brief facts of the prosecution case as per Direct Complaint filed by learned Senior Civil Judge, Tando Adam through Reader are that applicant/ accused Hoat was defendant in F.C. Suit No.67/2010, filed by plaintiff Malik Allahyar Khan s/o Malik Sher Muhammad and his legal heirs for declaration, possession, mesne profits and permanent injunction against the applicant/ accused Hoat (Defendant No.1) and others. During judicial proceedings applicant/ accused stepped in witness box as

witness in the suit and in his deposition on oath (Ex-48 dated 14-01-2021) he intentionally gave false statement on oath. He also produced fabricated evidence in shape of Form-A No.6333 and attested copy thereof (Ex-48/A and Ex-48/D) and corruptly used it as true and genuine, knowing the same to be false. The matter was finally decided by the court (Court of Senior Civil Judge Tando Adam) vide judgment dated 16-01-2021 and on finding the applicant/ accused was found guilty of the aforementioned offences, therefore, he was given show cause notice on 27-01-2021 but he (accused) failed to submit his reply; hence direct complaint was preferred against him.

3. After registering the complaint, copies of the Direct Complaint and annexures were supplied to the applicant/ accused and then charge was framed against him, to which he pleaded not guilty and claimed for trial.

4. In order to prove the case, complainant through Jawed Akber (the then Reader of the Court of Senior Civil Judge Tando Adam) was examined at Ex-03, who produced attested copy of judgment in F.C. Suit No. 67/2010 at Ex-3/A, attested copy of decree at Ex-3/B, attested copy of show-cause notice dated 27-01-2021 at Ex-3/C, attested copy of statement of bailiff Mumtaz and order of the trial court on it at Ex-3/D, attested copy of deposition of applicant/ defendant Hoat recorded in F.C. Suit No. 67/2010 at Ex-3/E, amended title in R.A.No.56/1987 along with Form-A bearing No. 6333 at Ex-3/F, forged Form-A bearing No.6333 at Ex-03/G, R.A.No.56/1987 along with deposition of Hoat at Ex-3/H, certified copy of deposition of Inayat Ali (Clerk of Mukhtiarkar office) at Ex-3/I, deposition of Inayat Ali (Clerk of Mukhtiarkar office) at Ex-3/J, order passed in favour of Lakhano at Ex-3/K and detailed report of Mukhtiarkar Estate Sanghar at Ex-3/L. Thereafter, he closed his evidence by filing such statement.

5. The statement of the applicant/ accused was recorded under section 342 Cr.P.C wherein he denied all the allegations leveled against him and he claimed to be innocent; however, neither he examined himself on oath, nor led any evidence in his

defense. After hearing complainant and learned counsel for the applicant/ accused, learned trial Court convicted the applicant. Applicant filed appeal against said judgment, which was dismissed by learned lower appellate court.

6. Applicant and his counsel are called absent, no intimation received. However, Jail Roll of the applicant dated 08-05-2023 is available on record which shows that applicant has served out 05 months and 23 days without remission and has earned remission of 01 year, 01 month and 23 days and there remains only 04 months and 14 days. Record shows that sentence of the applicant/ accused was suspended and he was released on bail vide order dated 15-05-2023. Record further reflects that applicant and his counsel are called absent since last four dates of hearing. However, learned D.P.G submitted that applicant has remained in jail for sufficient period and has learnt the lesson and he has no objection for reduction of sentence as one of already undergone. The conviction and sentence awarded through impugned judgment dated 19-05-2022 by the learned trial court to the applicant, which was maintained by learned lower appellate court vide judgment dated 29-11-2022, is converted from R.I for two years and to pay fine of Rs.5,000/- each for offences punishable under sections 193 and 196 P.P.C and R.I for one year and to pay fine of Rs.5000/- for offence punishable u/s 471 P.P.C, in case of default in payment of fine to suffer S.I for two months more to sentence he has already undergone alongwith fine. Therefore, in such circumstances instant Criminal Revision Application is **dismissed**. However, the sentence awarded to the applicant/ accused is converted to sentence he has already undergone alongwith fine. **Consequently, instant Criminal Revision Application stands disposed of with the above modification.** Since the applicant/ accused is on bail in this matter; hence his bail is cancelled and surety stands discharged. Office is directed to return the surety papers to the surety after proper verification and identification.

**JUDGE**

“Saleem”

