

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Revision Application No. D-09 of 2019

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Ali Haider 'Ada'

Applicant : Aftab Ahmed son of Ghulam Hyder Noonari, In person.

Respondent No.1 : Allah Bux son of Muhammad Bux Noonari (Nemo)

The State : Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh.

Date of hearing : 28.01.2026.

Date of decision : 28.01.2026.

ORDER

Ali Haider 'Ada'.J:- Through this Criminal Revision Application, the applicant, being the complainant, has challenged the judgment dated 02.05.2019 passed by the learned Additional Sessions Judge-I/MCTC, Shikarpur, whereby respondent No.1, namely Allah Bux, who faced trial in Crime No.88 of 2013 registered at Police Station Lakhi Ghulam Shah for offences punishable under Sections 302, 324, 337-H(ii), 148 and 149 PPC, lodged at the instance of the applicant/complainant, was convicted and sentenced to rigorous imprisonment for life. The respondent was further directed to pay a fine of Rs.100,000/- and, in default thereof, to suffer simple imprisonment for a further period of six months.

2. Through the present revision application, the complainant/applicant seeks enhancement of the sentence from life imprisonment to the death penalty.

3. The applicant appeared in person and has also filed the present revision application in person. He supported the averments made therein and contended that the learned trial Court committed an error by awarding life imprisonment, whereas, according to him, the facts and circumstances of the case warranted the award of capital punishment.

4. Conversely, the learned Deputy Prosecutor General submitted that no ground for enhancement of sentence is made out. He further contended that the judgment of the learned trial Court has already been assailed by the convicted respondent through his respective criminal appeals; therefore, this Court should refrain from making any observations on the merits of the case which may prejudice the pending appeals. He, accordingly, prayed for dismissal of the revision application.

5. Heard the applicant in person, learned D.P.G., and perused the material available on record.

6. Upon careful consideration of the record, it is evident that no cogent or convincing reason has been brought on record by the prosecution to justify enhancement of the sentence. The prosecution has failed to demonstrate any exceptional or compelling circumstances which could warrant enhancement of the punishment from life imprisonment to the death penalty. In the absence of such material, invocation of the revisional jurisdiction of this Court for enhancement of sentence does not appear to be justified or proper. It is a settled principle of law that enhancement of sentence is an exception and can only be considered where strong, compelling, and extraordinary circumstances are shown. In the present case, no such circumstances have been established. Reliance in this regard is placed upon the judgments reported as *Muhammad Akhtar and others v. The State* (2025 SCMR 45), *Sohail Akhtar and another v. The State and another* (2024 SCMR 67), and *Chatto Khan Suhandro v. Ghulam Nabi Suhandro and others* (2023 MLD 772), wherein the Honourable Supreme Court of Pakistan and this Court have consistently declined enhancement of sentence in the absence of compelling justification.

7. It is also pertinent to note that respondent No.3 has already challenged the impugned judgment by filing Criminal Jail Appeal No.S-38 of 2019 and Criminal Appeal No.S-39 of 2019 (off-shoot case). Any observation on the merits of the judgment at this stage may adversely affect the rights of the parties, particularly when the conviction and sentence are sub judice before this Court. Therefore, the scope of

consideration in the present proceedings is confined strictly to the question of enhancement of sentence.

8. In view of the foregoing reasons, the prayer for enhancement of sentence does not warrant the exercise of revisional jurisdiction of this Court. Consequently, this Criminal Revision Application is dismissed. The Criminal Jail Appeal No.S-38 of 2019 and Criminal Appeal No.S-39 of 2019 filed by respondent No.3 against his conviction are ordered to be de-tagged, and the office is directed to fix the same before the appropriate Single Bench of this Court in accordance with the roster.

JUDGE

JUDGE

S.Ashfaq/-