

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

*Criminal Revision Application No. S-55 of 2025
[Sikandar Ali & others Versus The State]*

Applicants : *Through* Mr. Habibullah G.
1. Sikandar Ali son of Ghouri, Advocate
Mohammad Bux
2. Mureed Ali son of Madad
Ali
3. Akram Ali son of Ghulam
Umar Sargani

The State : *Through* Mr. Nazeer Ahmed
Bangwar, Deputy Prosecutor
General, Sindh

Date of Hearing : 15.06.2026

Date of Order : 15.06.2026

ORDER

Ali Haider 'Ada', J:- Through the instant Criminal Revision Application, the Applicants, who are accused in FIR No.04 of 2020 registered on 03.02.2020 at Police Station Seehar, District Larkana, for offences punishable under Sections 302, 404, 148, 149 and 337-H(ii), P.P.C., have called in question the order dated 22.11.2025 passed by the learned Additional Sessions Judge-V, Larkana, whereby their application under Section 265-K, Cr.P.C. was dismissed.

2. Briefly stated, the prosecution case is that the present Applicants, along with other co-accused persons, were nominated in the subject FIR with the allegation that they caused firearm injuries to the deceased, namely Nadeem Ahmed, who succumbed to such injuries. Upon completion of the investigation, challan was submitted before the competent Court. The present Applicants did not appear before the trial Court and were accordingly declared absconders, whereas co-accused Qurban, Abid Ali and Talib Ali

were arrested and faced trial. Upon conclusion of the trial, the learned trial Court convicted the said co-accused and sentenced them to death. Feeling aggrieved, they preferred Criminal Jail Appeals before a learned Division Bench of this Court, which were allowed and the co-accused were acquitted through a detailed judgment. Subsequently, the present Applicants were arrested and are now facing trial. During the pendency of the proceedings, they moved an application under Section 265-K, Cr.P.C. seeking their acquittal. The said application was supported by an affidavit sworn by complainant Mst. Husna Khatoon, wherein she stated that she had no objection if the present Applicants were acquitted. However, the learned trial Court dismissed the application through the impugned order.

3. Learned counsel for the Applicants contends that the case of the present Applicants stands on identical footing to that of the co-accused who have already been acquitted by a learned Division Bench of this Court. He submits that the allegations, evidence and assigned roles are substantially the same and that the prosecution case has already been disbelieved by this Court. According to the learned counsel, continuation of the trial against the present Applicants would be a futile exercise and an abuse of the process of law. He further submits that this Court, in exercise of its inherent jurisdiction under Section 561-A, Cr.P.C, is fully competent to extend the same benefit to the present Applicants. In support of his contentions, he has relied upon the detailed judgment passed by the learned Division Bench whereby the co-accused were acquitted.

4. Conversely, learned Deputy Prosecutor General, Sindh, submits that although the case of the present Applicants appears to be similar to that of the acquitted co-accused, the latter were acquitted after undergoing a full-fledged trial. Therefore, according to him, the present Applicants should also face trial and establish their innocence through due process of law.

5. Heard and perused the available record.

6. It is an admitted position that the present Applicants and the acquitted co-accused were nominated in the same FIR and attributed substantially identical roles. It is further undisputed that the learned Division Bench of this Court, after reappraisal of the entire evidence, acquitted the co-accused and held that the prosecution had failed to establish its case beyond reasonable doubt. The pivotal question, therefore, is whether the benefit arising from such acquittal can also be extended to the present Applicants whose case admittedly rests upon the very same evidence.

7. The judgment rendered by the learned Division Bench reveals that the acquittal of the co-accused was not based upon any personal or distinguishing circumstance peculiar to them. Rather, the prosecution evidence itself was found unreliable, deficient and insufficient to sustain the conviction. Once the very foundation of the prosecution case has been disbelieved and the evidence has been adjudged unworthy of reliance, it would serve no useful purpose to compel the present Applicants to undergo a full-fledged trial on the basis of the same evidence. The eye-witness account, which constituted the cornerstone of the prosecution case, was found by the learned Division Bench to be unreliable and incapable of sustaining conviction. In such circumstances, the same evidence cannot be selectively relied upon against the present Applicants in the absence of any independent corroboration or distinguishing feature. Guidance in this regard may be sought from *Akhtar Ali and others v. The State* (2008 SCMR 6). Similar principles were reiterated in *Ghulam Mustafa v. The State* (2026 SCMR 852) and *Muhammad Amjad v. The State* (2026 SCMR 921).

8. Furthermore, in *Aurangzaib Alamgir v. Muhammad Sajid and others* (PLD 2025 SC 53), the Honourable Supreme Court exercised powers under Section 561-A, Cr.P.C. to quash judicial proceedings

in order to prevent abuse of the process of law and to secure the ends of justice. The ratio of the said judgment makes it abundantly clear that where continuation of criminal proceedings would be futile and no useful purpose is likely to be achieved, the inherent jurisdiction of the High Court may be invoked.

9. In the present case, no distinguishing feature has been pointed out by the prosecution which may justify a different treatment of the present Applicants. Moreover, the complainant herself has filed an affidavit expressing no objection to the extension of the same benefit to the present Applicants. Although such affidavit is not by itself determinative of the issue, it nevertheless lends support to the conclusion that continuation of the proceedings would serve no fruitful purpose.

10. Keeping in view the peculiar facts and circumstances of the case, the order dated 22.11.2025 passed by the learned Additional Sessions Judge V, Larkana, is hereby set aside. Consequently, the instant Criminal Revision Application is allowed and, in exercise of the inherent powers vested in this Court under Section 561-A, Cr.P.C, the present Applicants are acquitted of the charge arising out of FIR No.04 of 2020 registered at Police Station Seehar, District Larkana. Since the Applicants are already on bail, their bail bonds and sureties shall stand discharged, subject to proper verification before the learned trial Court

JUDGE