

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

Criminal Revision Application No.S- 14 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

11.05.2026.

Mr. Muhammad Jameel Ahmed, Advocate for applicant.
Mr. Mian Taj Muhammad Keerio, Advocate for respondent No.1.
Mr. Shahid Shaikh, Additional P.G for State.

=

Counsel for the applicant Noor Muhammad has impugned the judgment dated 11.01.2024 passed by the 2nd Additional Sessions Judge, Badin in Criminal Appeal No.15/2023. The Sessions Court set aside the judgment dated 10.10.2023 passed by the Civil Judge & Judicial Magistrate Golarchi @ Badin wherein the respondent/accused was convicted under Section 489-F and 420 PPC in Criminal Case No.79/2023.

At the outset counsel for respondent No.1 has contended that this criminal revision filed by the applicant is misplaced and misconceived for the reason that as per Section 417 Cr.P.C only a Criminal Acquittal Appeal could have been filed and that too within the time frame prescribed under the said law. Learned Additional P.G adopts the arguments of counsel for the respondent No.1 and submits further that under Section 439(4) of Cr.P.C, Criminal Revisions may only be entertained subject to the condition that nothing in this particular Section shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. Counsel for the respondent No.1 and learned A.P.G contend that as no finding of acquittal can be granted in this criminal revision, therefore the same is non-sequetor ("it does not follow") the revision. They contend that the applicant has not moved any application to convert the Criminal Revision to Criminal Acquittal Appeal, and not even bothered to articulate reason for conversion. Therefore, in the circumstances opposing counsel submits that this Criminal Revision is not maintainable and liable to be dismissed forthwith.

Heard counsel and perused record.

On perusal of the documents available on record, this Criminal Revision was instituted on 03.02.2024 against a judgment dated 11.01.2024. Thus, the Criminal Revision is atleast well within the time period prescribed under the

statute for filing a Criminal Acquittal Appeal except that it is a criminal revision as opposed to a Criminal Acquittal Appeal. Counsel for the applicant during the course of proceedings made an oral motion for conversion of this Criminal Revision into a Criminal Acquittal Appeal. The oral motion made by the counsel for the applicant to treat the same as an application is accepted. In this connection, I rely on the reported judgments of the Supreme Court in 1971 SCMR 148, 150 and of this (High) Court in 1982 CLC 1651 and now proceed to consider such oral motion on its merit.

As the Criminal Revision was filed within the time period of filing of the Criminal Acquittal Appeal, neither any harm nor prejudice will be caused to the parties as a result of what may be described at best to be a Criminal Acquittal Appeal in the nature of “irregular proceedings”. The conversion from Criminal Revision to Criminal Acquittal Appeal will not prejudice the substantive rights of the parties. Therefore, exercising powers under Section 561-A Cr.P.C, I hereby convert this Criminal Revision Application into a Criminal Acquittal Appeal.

The upshot of today’s order is that this Criminal Revision will now proceed as a Criminal Acquittal Appeal as per the procedure prescribed under the law. This will require this lis to be assigned a fresh docket number and description including requiring fresh issuance of notice. Learned A.P.G will assist the Court on the next date of hearing as to the maintainability of the Criminal Acquittal Appeal in the first instance. Office is directed to allot a new docket number, accordingly and re-list the matter on **21.05.2026 at 11:30 a.m.**

JUDGE

Tufail