

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

Criminal Appeal No.S-158 of 2013
[Abdul Wahid @ Papoo & others v. The State]

Appellants:	Abdul Wahid alias Papoo and three others through Mr. Mumtaz Alam Laghari, Advocate.
The State:	Through Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.
Complainant:	Aijaz Hyder Rajput through Mr. Pervaiz Tariq Tagar, Advocate.
Date of hearing:	21.09.2026
Date of judgment:	21.09.2026

J U D G M E N T

ZULFIQAR ALI SANGI, J. – Through the instant Criminal Appeal, the appellants/convicts, namely Abdul Wahid alias Papoo, Abdul Sattar, Muhammad Hassan and Majno, have called in question the legality, propriety and correctness of the judgment dated 07.12.2013, passed by the learned Sessions Judge, Tando Muhammad Khan, in Sessions Case No.15 of 2012, arising out of Crime No.18 of 2010 registered at Police Station Bulri Shah Karim, for offences punishable under Sections 394, 395, 458 and 35, P.P.C.

2. By virtue of the impugned judgment, the learned trial Court convicted each of the appellants under Section 395, P.P.C. and sentenced them to suffer rigorous imprisonment for a period of seven years, besides payment of fine of Rs.20,000/- each, and in default thereof, to further undergo for three months. The benefit of Section 382-B, Cr.P.C. was also extended to them.

3. Learned counsel for the appellants, at the very outset, contends that although a charge was framed against the appellants for offences punishable under Sections 394, 395, 458 and 35, P.P.C., the learned trial Court, while concluding the trial, recorded conviction only under Section 395, P.P.C. He contends

that the impugned judgment, however, does not contain any specific finding as to whether the appellants stand acquitted of the remaining offences with which they were charged. It has been further pointed out that the prosecution had produced medical evidence showing injuries allegedly sustained by members of the complainant party, which evidence was brought on record and was also put to the appellants in their statements recorded under Section 342, Cr.P.C.; nevertheless, the impugned judgment contains no determination whatsoever regarding the legal effect of such medical evidence or the corresponding charge under Section 394, P.P.C.

4. On the aforesaid grounds, learned counsel submits that the impugned judgment suffers from a material omission and does not constitute a complete adjudication of the charge framed against the appellants. He, therefore, prayed that the matter be remanded to the learned trial Court for recording appropriate findings and for pronouncement of a judgment in accordance with law.

5. Learned counsel appearing for the complainant as well as learned D.P.G., Sindh, upon perusal of the record, have fairly conceded the aforesaid position and do not oppose the request for remand for the limited purpose stated above.

6. Heard learned counsel for the appellants, learned counsel for the complainant and learned D.P.G., Sindh and have carefully examined the material available on the record.

7. It is an admitted position that the appellants were charged under Sections 394, 395, 458 and 35, P.P.C. The record further shows that medical evidence relating to the injuries allegedly sustained by the complainant party was brought on record during the trial and was also confronted to the appellants in their statements recorded under Section 342, Cr.P.C. A perusal of the impugned judgment, however, reveals that the learned trial Court has recorded a finding of conviction against the appellants under Section 395, P.P.C., but has not recorded a specific and

clear finding regarding the remaining offences forming part of the charge. In particular, there is no determination as to whether the appellants were acquitted or otherwise dealt with in respect of Sections 394, 458 and 35, P.P.C. Likewise, the judgment does not adequately address the medical evidence concerning the injuries allegedly sustained by the complainant party, despite the fact that such evidence formed part of the prosecution case and was confronted to the appellants.

8. A judgment upon conclusion of a criminal trial must constitute a complete adjudication of the charge brought against an accused. The trial Court is required to return clear findings on each offence forming part of the charge, on the basis of the evidence available on record and after considering the defence of the accused. An omission to record such findings leaves the adjudication incomplete and creates uncertainty as to the precise extent of the conviction or acquittal recorded by the trial Court. In the present case, the aforesaid omission assumes significance because the prosecution had relied upon evidence of injuries, which was also brought to the notice of the appellants under Section 342, Cr.P.C. The learned trial Court was, therefore, required to examine such evidence and record a clear finding in respect of the charge. The absence of such findings renders the impugned judgment deficient to the extent indicated above.

9. In view of the above discussion and particularly keeping in view the fact that the learned counsel for the complainant as well as learned D.P.G., Sindh have also conceded the aforesaid legal deficiency, this appeal is partly allowed. The impugned judgment dated 07.12.2013 is set aside to the limited extent necessary for removal of the aforesaid defect and the case is remanded to the learned trial Court for re-writing the judgment afresh, after affording an opportunity of hearing to all concerned, and for recording clear and specific findings in respect of each offence forming part of the charge, including the relevant medical evidence, strictly in accordance with law. The learned trial Court shall undertake and conclude the aforesaid exercise within a

period of one month from receipt of this order and shall submit a compliance report to this Court through the learned Additional Registrar.

10. The appellants are presently on bail. They shall remain on the same bail till the decision of the learned trial Court pursuant to this order.

11. The appeal stands **disposed of** in the above terms.

JUDGE

Abdullahchanna/PS