

ORDER SHEET

THE HIGH COURT OF SINDH CIRCUIT COURT AT LARKANA

Criminal Appeal No.D-68 of 2011

&

Criminal Reference No. D-05 of 2011

Date

Order with signature of Judge

For hearing of main case,

29.01.2019

Mr. Habibullah G. Ghouri, Advocate for the Pauper
Appellant.

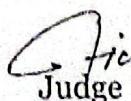
Mr. Muhammad Noonari, D.P.G.

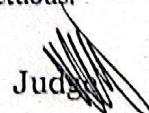
Mr. Azhar Hussain Abbasi, Advocate for the complainant.

At the very outset, learned counsel for the appellant has pointed out that charge is defective, even the statements of appellants under section 342 Cr.P.C as well as co-accused have not been handed down in terms of Section 364 Cr.P.C and thus, this case is fit for remand for denovo trial. Such his assertion gets support from the record, besides, counsel for the complainant and learned D.P.G have also raised no objection to the remand of the case.

Accordingly, instant criminal appeal is hereby disposed of, the impugned Judgment dated 29.06.2011, handed down by 1st Additional Sessions Judge, Jacobabad, in Sessions Case No.825 of 2008 (Re. State versus Lutufullah and others), being outcome of Crime No.50/2008 under sections 302, 114, 148, 149, 337-H(2) PPC, P.S. Mubarkpur is hereby set aside to the extent of conviction and sentence awarded to the appellant (Lutufullah) and the case is remanded back to the trial Court for denovo trial. The trial court shall take necessary arrangements for procurement of all the witnesses and conclude the trial within six months and decide the case afresh right from the framing of charge.

In view of above, the murder reference (Criminal Confirmation Reference No.D-05 of 2011) sent by the trial Court has become infructuous and is hereby dismissed being infructuous.


Judge


Judge

Munzeer