

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Revision Appln. No. S-83 of 2025

Applicants : 1. Dhani Bux son of Ahmed Khan, Gondal  
2. Abdul Latif s/o Dhani Bux, Gondal  
Through Mr. Aijaz Hussain Solangi, Advocate

Respondent No.1 : The State through Mr. Muhammad Raza Katohar,  
Deputy Prosecutor General

Respondent No.2 : Muhammad Khan son of Saeed Khan, Gondal  
Through Mr. Muhammad Bux Bangwar, Advocate

Date of hearing : 10.11.2025  
Date of order : 17.11.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— This criminal revision application arises out of the orders dated 14.07.2025 and 22.09.2025 passed by the learned Additional Sessions Judge, Kandiaro, in Sessions Case No.108 of 2021 (The State vs. Dhani Bux and others), whereby the trial court allowed an application under Section 540-A, Cr.P.C., to correct a clerical error in the deposition of PW-2 Nadeem Ahmed.

2. The applicants/accused herein challenge these orders on the grounds that such correction was made without issuing notice to them, thereby infringing upon their right to fair trial guaranteed under Article 10-A of the Constitution of Pakistan. Learned counsel for the applicants argued that the correction substantially altered the evidence against them after a long lapse of time and without their knowledge, which amounted to miscarriage of justice. Reliance was placed on the judgment of this Court in *Ghulam Rasool vs. The State* (PLD 2013 Sindh 214) to emphasize the need for procedural fairness and protection against arbitrary alterations in the evidence.

3. On the other hand, learned counsel for respondent No. 2 and the learned Deputy Prosecutor General submitted that the correction was purely clerical in nature, rectifying a mistake made during recording of PW-2's testimony. It was contended that the trial court was well within its powers under Sections 360(2) and 369, Cr.P.C. to correct such clerical errors without the necessity of issuing notice. The correction ensured the accuracy and reliability of

the trial record and did not prejudice the defense's rights. They further relied on *Lal Habib vs. Tahir Aziz* (PLD 2016 Peshawar 195) and *Ghulam Haider vs. Ghulam Muhammad Parvi* (2017 P.Cr.L.J 457) where the superior courts have held that the criminal courts do not entertain review or alteration of judgments except for clarifications of clerical errors.

4. Upon consideration of the submissions, examination of the record, and review of the relevant statutory provisions and case law, the following points are observed:

- i) Section 369 Cr.P.C. expressly prohibits courts from altering or reviewing their judgments once signed and announced except to correct clerical errors, which are typographical or formal mistakes. The correction in the present case involved changing the word "correct" to "incorrect" in a statement made by PW-2 regarding the prosecution theory. This amendment was necessary to reflect accurately what was said by the witness and to prevent misrepresentation of evidence.
- ii) Section 360(2), Cr.P.C. provides that the Presiding Officer recording the evidence may, instead of correcting evidence, make a memorandum of any objection by the witness and add necessary remarks. The trial court exercised this authority appropriately by entertaining the complaint of a clerical mistake and rectifying it through a judicial order.
- iii) The right to a fair trial under Article 10-A is a cardinal principle that mandates due process, including notice and opportunity to be heard for matters affecting substantive rights. However, the correction of clerical errors, being formal in nature, does not ordinarily trigger this requirement, especially when the correction does not adversely affect the defense but rather clarifies the true record.
- iv) The trial court prudently observed that if the defense had doubts regarding the corrected testimony, it was within their procedural right to recall PW-2 for clarifications under Section 540, Cr.P.C. This direction reflects the court's intention to preserve fairness while maintaining the integrity of the record.

5. In light of the above, it is held that the learned trial court acted within the ambit of law and its inherent powers in correcting a clerical error in the witness statement. No violation of procedural or substantive rights of the applicants is made out that would require interference by this Court in its revisional jurisdiction.

6. Accordingly, the revision application is dismissed. However, the applicants are at liberty to seek further clarification or recall of the concerned witness under Section 540, Cr.P.C. through appropriate proceedings.

7. The application stands disposed of in these terms.

**J U D G E**