

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Rev. App. No. S – 97 of 2025

Date of hearing	Order with signature of Judge
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For hearing of case

1. For orders on office objections at Flag-A
2. For hearing of main case

24.12.2025

Mr. Illahi Bux Jamali, Advocate for applicant.
Mr. Imran Mobeen Khan, Assistant Prosecutor General.

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Version of the applicant was recorded on 05.11.2025 when learned Additional Prosecutor General was put to notice. Learned Counsel for the applicant has today reiterated the same. For the sake of reference, the said contention is reproduced as under:

“4. Learned Counsel for the applicant contends that the present applicant was the second husband of deceased Mst. Azra, who was murdered, FIR bearing No.02/2023 at Police Station Mehmood Channa, District Khairpur, was lodged in this regard, wherein though wrongly brother of the said lady was nominated as an accused along with another person. The same though nothing to do with the present applicant, he was wrongly dragged in at the time of filing of the challan with the allegations of Sections 494 and 496, PPC, by the Investigating Officer alleging against him that his nikahnama was forged. In this regard, applicant having opposed the inclusion in the challan, earlier proceeding was disposed of providing the opportunity to the applicant to file proper application before the learned trial Court with directions of an early disposal. The said application was filed along with all the required material showing the efforts applicant took for lodging of FIR and the recovery of the child born from the said wedlock, however, the learned trial Court was pleased to dismiss the application filed under Section 265-K, Cr.P.C. by a non-speaking order. Learned Counsel further contends that apart from merits of the case, as available to the applicant, the Courts have failed to consider that the two trials for murder and the allegations against the present applicant both could not proceed together under the same challan not having the required period and as a matter of fact contradictory to each other.”

Apparently, the investigation of FIR No.02 of 2023 under Sections 302, 311, PPC, of Police Station Mehmood Channa, District Khairpur, was being conducted by the I.O., wherein the present applicant was brought under Sections 474, 494, PPC, on account of the I.O. having come to a conclusion that the *nikahnama* of the present applicant with the victim was forged and fabricated on account of the *nikah khuwan* not supporting the said *nikahnama*. It does not, however, bear from the record as to what compelled the I.O. to check out the details of *nikahnama* in view of the relationship between the husband and wife without any adverse material available in this regard on the allegation of accused in the matter having made a statement that the *nikah* was forged. As such, it required support and justify the act of *kari*.

Apparently, the existence of *nikah* being forged could not be made out simply on the basis of statement of the *nikah khuwan* as no supporting material is available thereto. Neither the witnesses of the *nikahnama* were examined nor there was any material further available to support the contention that the *nikahnama* was forged rather learned Counsel for the applicant states that there were freewill proceedings. The same were also not enquired and material in this regard has been brought up, present at page 29 by way of annexure “B1”.

In view of the fore given, learned Assistant P.G. does not find support to oppose the application and to support the impugned order, which is otherwise a non-speaking order. Accordingly, application of the applicant stands **allowed**. The proceedings against the applicant stand quashed.

Matter stands **disposed of** in the above terms.

J U D G E