

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

Cr. Rev. A. No.S- 67 of 2005

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

23.08.2019.

Mr. Shoukat Ali Kaka, Advocate a/w applicant.

Ms. Safa Hisbani, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicant was found to be in possession of 05 liter of Katcha wine and consequent upon investigation he was booked and challaned by the police to face trial for offence punishable under Article 3/4 of Prohibition (Enforcement of Hadd) Order,1979.

2. On conclusion of the trial, the applicant was found guilty for an offence punishable under Article 3 of Prohibition (Enforcement of Hadd) Order,1979 and was convicted and sentenced to undergo imprisonment for two years with fine of Rs.2000/=. In default of payment of fine to undergo S.I for one month with benefit of section 382-B Cr.P.C by learned Ist Civil Judge and Judicial Magistrate, Kot Ghulam Muhammad vide his judgment dated 15.02.2005.

3. The appeal so preferred by the applicant against his conviction and sentenced was dismissed by learned Sessions Judge, Mirpurkhas vide his judgment dated 11.05.2005. Such dismissal of his appeal, the applicant has impugned before this Court by way of instant Criminal Revision Application.

4. At the very outset, it is stated by learned APG for the State that entire revisional jurisdiction in Hadd / Hudood case as per mandate contained by Article 203DD (1) of the Constitution of Islamic Republic of Pakistan, 1973 lies with the Hon'ble Federal Shariat Court of Pakistan. By stating so she sought for dismissal of instant Revision Application for want of jurisdiction.

5. Learned counsel for the applicant when was confronted with the above legal position, was fair enough to concede that the entire revisional jurisdiction in Hadd / Hudood case lies with the Hon'ble Federal Shariat Court of Pakistan. By conceding so, he sought for direction against the office of this Court to transmit the record of instant Criminal Revision Application to Hon'ble Federal Shariat Court of Pakistan for its disposal on merits and in accordance with law

as per the mandate contained by Article 10A of the Constitution of Islamic Republic of Pakistan 1973, which according to him provide right of fair trial to the applicant for determination of his Civil/Criminal obligations/charges.

6. In view of above, office of this Court is directed to transmit the record of instant Criminal Revision Application to Hon'ble Federal Shariat Court of Pakistan for its disposal in accordance with law or otherwise as deemed fit by the Hon'ble Federal Shariat Court of Pakistan.

JUDGE