

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Crl. Appeal No.S -60 of 2019

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

02.12.2020.

Mr. Mr. Farhad Ali Abro, Advocate for appellant.

Ms. Sana Memon, Assistant Prosecutor General Sindh.

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It is alleged that on personal search from the appellant was secured two k.g of the charas and beside this he was found to be transporting two sacks each one was containing 36 and 37 k.g of the charas, through Coaster.

2. In first round of litigation, on appeal, the case was remanded to learned trial Court for recording statement of the appellant u/s 342 Cr.P.C afresh, it was recorded afresh and then the impugned judgment was passed.

3. At the very outset, it is pointed out by learned counsel for the parties that there is nothing in the charge which may suggest that two kg of the charas was secured from appellant on his personal search and beside this he was found transporting / carrying with him two sacks each one containing 36 and 37 kg of the charas. Such omission has made the charge to be defective one, which is not curable in terms of section 537 Cr.P.C and it has

occasioned in failure of justice. By stating so, they sought for remand of the case to learned trial Court for denovo trial.

4. In view of above, the impugned judgment is set-aside with direction to learned trial Court to frame the charge against the appellant afresh containing all the material allegations and then to proceed with the case afresh denovo, in accordance with law.

5. The instant appeal is disposed of accordingly.

Judge

Judge

Ahmed/Pa