

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

Cr. Jail Appeal No.S-92 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For hearing of MA-6066/2018
	2. For hearing of main case.

20.01.2021.

Mr. Bashir Ahmed Almani, Advocate for appellant.  
Ms. Sobia Bhatti, APG for State.

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The appellant for committing murder of Muhammad Alam was convicted and sentenced to various terms by learned Sessions Judge Tando Muhammad Khan vide his Judgment dated 05.04.2018 which is impugned by the appellant before this Court by way of instant Criminal Jail Appeal.

At the very outset, it is pointed out by the learned counsel for the appellant and learned A.P.G for the State that initially the appellant was absconding, on arrest he was charged for the above said offence and then evidence recorded under section 512 Cr.P.C was brought on file with opportunity to the appellant to make a cross examination to the witnesses already examined by learned Trial Court and he then was convicted accordingly, which is against the mandate contained by section 353 Cr.P.C which call for examination of the witnesses in presence of the accused. By pointing out so, they sought for remand of the case to learned Trial Court for its fresh disposal in accordance with Law.

In view of above, the impugned judgment is set-aside with direction to learned Trial Court to record evidence of the complainant

and his witnesses afresh in presence of the appellant and then to dispose off the case in accordance with Law preferably within three months.

The instant appeal is disposed off in above terms.

Judge

Muhammad Danish Steno\*