

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Appeal No.S-280 of 2018

Appellant : Muhammad Amin son of Sain Dad, 2) Ghulam Nabi son of Nehal, 3) Darya Khan son of Manak and 4) Noor Muhammad son of Jamal , through M/s Syed Shahzad Ali Shah and Sikandar Ali Kolachi, advocates.

The State : Through Ms. Sana Memon, A.P.G.

Date of hearing : 03.03.2021

Date of decision : 03.03.2021

J U D G M E N T

IRSHAD ALI SHAH-J; It is the case of the prosecution that the appellants allegedly in furtherance of their common intention committed Qatl-e-amd Babar by causing him hatchet and lathi blows, for that they were booked and reported upon. On conclusion of trial, they were convicted and sentenced to undergo for various terms by learned Ist. Additional Sessions Judge, Mirpurkhas by way of judgment 27.11.2018, which is impugned by the appellants before this Court by preferring the instant appeal.

2. At the very outset, it is stated by the learned counsel for the appellants that when the case proceeded considerably on joining of one of the appellant (Noor Muhammad), the charge was amended and witnesses already examined were recalled and reexamined, but appellants were not provided a fair chance for making cross examination to them, in that way they were denied right of fair trial, which is guaranteed by Article-10-A of the Constitution of Islamic

Republic of Pakistan, 1973. By contending so, they sought for remand of the case.

3. Learned A.P.G for the State was fair enough to concede for remand of the case.

4. I have considered the above arguments and perused the record.

5. In view of above, the impugned judgment is set-aside with direction to learned trial Court to recall the witnesses already examined for making cross examination to them by the appellants ofcourse through their counsel and then to pass fresh judgment in accordance with law.

6. The instant appeal is disposed of accordingly.

J U D G E

Ahmed/Pa,