

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

Criminal Revision Application No.S-47 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.3708/2022.
	2. For orders on office objections.
	3. For orders on M.A. No.3709/2022.
	4. For hearing of main case.

22.04.2022

Mr. Ghulam Mustafa Zardari, Advocate for the applicant.

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1. Urgency is granted.

2to4. The facts necessary for disposal of instant revision application are that the applicant allegedly attempted to commit rape with baby Asma for that he was booked accordingly. The applicant by making an application under section 265-K Cr.P.C sought for his pre-mature acquittal, it was dismissed by learned Additional Sessions Judge Khipro vide order dated 03.03.2022, which is impugned by the applicant before this Court by preferring instant criminal revision application.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party; F.I.R of the incident has been lodged with delay of about one day; DNA report is not implicating the applicant in commission of incident and there would be no probability of the applicant being convicted for the said offence even after regular trial. By contending so, he sought for setting aside of the impugned order with acquittal of the applicant.

Heard arguments and perused the record.

The applicant is named in F.I.R with specific allegation that he attempted to commit rape with baby Asma. In that situation, the DNA report is appearing to be irrelevant. The delay in lodgment of F.I.R could hardly be made a reason for pre-mature acquittal of the applicant by denying right of fair trial to the

complainant/prosecution which is guaranteed under Article 10-A of the constitution of Islamic Republic of Pakistan, 1973. No wrong apparently has been committed by learned Trial Court by dismissing the application of the applicant for his premature acquittal which may justify this Court to make interference with the impugned order; consequently, the instant criminal revision application is dismissed *in limine* together with listed application with an advice to the applicant to prove his innocence at trial.

J U D G E

Muhammad Danish*