

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

Criminal Revision Application No.S-88 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
	3. For hearing of M.A. No.4466/2021.

28.03.2022.

Mr. Khalid Nawaz Khan Marwat, Advocate for the applicant.
Mr. Muhammad Ali Noonari, Assistant Prosecutor General, Sindh.
Mr. Razzaque Rahim Shaikh, Advocate for the respondent No.2.

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The facts in brief necessary for disposal of instant criminal revision application are that one Irshad Ali Ranjhani was killed allegedly by the applicant by causing him fire shot injuries at Karachi for that a F.I.R was registered with P.S Shah Latif Town Karachi. When the dead body of said deceased was brought at his native place at Dadu there his aunt Mst. Sakina after witnessing his dead body died for that separate F.I.R was lodged with P.S Dadu. The applicant by filing an application under section 265-K Cr.P.C sought for his pre-mature acquittal in that case it was dismissed by learned 1st Additional Sessions Judge/MCTC Dadu vide order dated 08.05.2021, which is impugned by the applicant before this Court by preferring instant criminal revision application.

2. 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; the F.I.R of the incident has been lodged with delay of about 16 days and there is no post-mortem report on the dead body of the deceased, therefore, there would be no probability of the applicant being convicted for the said offence. By contending so, he sought for setting aside of the impugned order with acquittal of the applicant.

3. Learned A.P.G and counsel for the private respondent by supporting the impugned order have sought for dismissal of the instant criminal revision application

by contending that the applicant is fully involved in commission of incident and there is every possibility of his conviction.

4. Heard arguments and perused the record.

5. No doubt the F.I.R is lodged with delay of about 16 days and there is no post-mortem report on the dead body of the deceased but such fact could hardly be made a reason by this Court for pre-mature acquittal of the applicant by denying right of fair trial to the complainant/prosecution to prove its case in accordance with law particularly, when such right is guaranteed under Article 10-A of the constitution of Islamic Republic of Pakistan, 1973. No wrong apparently is 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 with an advice to the applicant to prove his innocence at trial in accordance with law.

J U D G E

Muhammad Danish*