

**IN THE HIGH COURT OF SINDH,  
BENCH AT SUKKUR**

**Cr. Jail Appeal No. D - 256 of 2019**

Appellant : Mukhtiar Ahmed Leghari, through  
Rukhsar Ahmed Junejo, Advocate

Respondent : The State, through Aftab Ahmed  
Shar, Addl.P.G.

Date of Hearing : 15.11.2023

**JUDGMENT**

**YOUSUF ALI SAYEED, J.** – The captioned Appeal had initially been preferred by the Appellant through the Superintendent Central Prison, Sukkur, impugning the judgment rendered on by the 1<sup>st</sup> Additional Sessions Judge/Special Judge Narcotics/Model Criminal Trial Court, Sukkur on 09.10.2019 in Special Case No.106/2017, whereby the Appellant was convicted under Section 9(c) of the Control of Narcotic Substances Act, 1997 and sentenced to imprisonment for life and to pay fine of Rs.100,000/-, or in default, to suffer S.I for one year more, and the benefit of Section 382-B Cr. P.C being extended, with counsel presently appearing on his behalf having subsequently filed his power in the matter.

Proceeding with his submissions, learned counsel for the appellant invited attention to the Statement of the Appellant recorded by the trial Court under Section 342, Cr.P.C on 29.08.2019, as well as the diary of that date, so as to point out that the Appellant had opted to examine himself on oath and also sought to produce 3 witnesses in his defense, namely Abdul Sattar, Nisar Ahmed and Ghulam Hussain Leghari. However, on 06.09.2019, being the very next date, the case off for arguments as counsel appearing on behalf of the Appellant and the aforementioned witnesses had not been in attendance, with the impugned Judgment then being announced on 09.10.2019.

He argued that the trial Court had rushed to judgment and proper opportunity had not been afforded to the Appellant for the production of those witnesses, Furthermore, inexplicably, the Appellant had himself also not been examined. It was argued that such lapses were gravely prejudicial and constituted a violation of Article 10-A of the Constitution and a miscarriage of justice, hence the matter presented a fit case for remand.

In the wake of the points brought to the fore by learned counsel for the Appellant, the learned APG did not raise any opposition and candidly conceded that the matter ought to be remanded.

As such by consent, we hereby set aside the impugned Judgment and remand the matter to the trial Court for examining the Appellant and recording the evidence of the aforementioned witnesses sought to be produced by him so as to then rehear the matter and decide the same afresh.

The Appeal stands allowed in the aforementioned terms.

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