

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Revision Application No. S-95 of 2023

(Sikandar Ali Ghumro Vs. The State & others)

1. For Orders on MA No. 7087/2022 (U/A)
2. For Orders on office objection.
3. For Orders on MA No. 7088/2023 (Ex./A)
4. For Orders on MA No. 7089 (561-A Cr.P.C)
5. For hearing of main case.

ORDER.**20-11-2023.**

Mr. Ahmed Ali Ghumro advocate for the applicant.

1. Granted.
2. Over ruled.
3. Granted subject to all just legal exceptions.

4 &5. The facts in brief necessary for instant CrI. Revision Application are that the applicant on having been convicted u/s 489-F PPC was sentenced to undergo simple imprisonment for one year and to pay fine of Rs. 10,000/- and in default whereof to undergo simple imprisonment for one month with benefit of section 382(b) Cr.P.C by learned IInd Civil Judge & Judicial Magistrate Khairpur vide judgment dated 21-01-2023, which the applicant impugned by preferring an appeal, on hearing whereof, it was set aside with direction to learned trial Magistrate to call and examined certain witnesses and then to make fresh disposal of the case by learned IInd Additional Sessions Judge Khairpur vide judgment dated 13-11-2023, which is impugned by the applicant before this Court by preferring the instant CrI. Revision Applicant.

It is contended by learned counsel for the applicant that learned appellate Court by remanding the case has provided chance to the

prosecution to fill in the lacuna in its case, which is not permissible at law; therefore, its judgment is to be examined by this Court.

Heard arguments and perused the record.

Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973 prescribes right of fair trial to everyone. Perhaps in these premises, learned appellate Court has remanded the case to learned trial Magistrate for its fresh disposal after recording evidence of certain witnesses. By such act, learned appellate Court has not committed any illegality to be examined by this Court.

In view of above, instant Crl. Revision Application is dismissed in limine.

J U D G E

Nasim/P.A