

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Revision Application No.S-16 of 2024
(Ghulam Sarwar & others Vs. Deedar Ali and another)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on MA No. 1248/2024 (U/A).
2. For Orders on office objection.
3. For Orders on MA No. 1249/2024 (Stay/A)
4. For hearing of main case.

18-03-2024.

Mr. Sajjad Hussain Kolachi, advocate for the applicant.

1. Granted.
2. Over ruled.
3. Granted subject to all just legal exceptions.
4. It is alleged that the applicants after having formed an unlawful assembly and in prosecution of its common object by committing trespass into the house of complainant Deedar Ali, committed murder of his mother Mst. Zaib-un-Nisa by maltreatment her and then went away by making aerial firing to create harassment. On being booked in the said case, the applicants sought for their acquittal by making an application under section 265-K Cr.P.C, it was dismissed by learned IVth Additional Sessions Judge/GBV Khairpur vide order dated 13-02-2024, which the applicants have impugned before this Court by preferring the instant Crl. Revision Application.

It is contended by learned counsel for the applicants that despite consuming 08 years, the learned trial Court has not yet been able to dispose of the case against the applicants; therefore, they are entitled to be acquitted of the charge on point of hardship.

Heard arguments and perused the record.

The acquittal of the accused u/s 265-K Cr.P.C could be recorded at any stage of trial provided there appears no possibility or probability of his/their conviction. As per impugned order, the trial of the case against the applicants is complete and case against them is fixed for recording their statements u/s 342 Cr.P.C. In that situation recording acquittal of the applicants without considering evidence solely on the basis of hardship would be unjustified. No illegality even otherwise is noticed which may justify this Court to interfere with the impugned order by way of instant Crl. Revision Application, it is dismissed in limine.

Judge