

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Special Criminal Appeal No.D-102 of 2024

Date	Order with signature of Judge
1.	For hearing of MA No.908/2024
2.	For hearing of main case.

03.12.2024

Mr. Umaruddin Panhwar, Advocate for the Appellant
Mr. Aftab Ahmed Shar, Addl. PG

At the outset, learned Counsel for the Appellant submits that charge is faulty as seemingly none of the witnesses mentioned in the charge were examined, which destabilizes the integrity of entire process.

Learned Additional Prosecutor General submits that there appears to be a clerical or “cut and paste” error in the charge sheet where wrong *mashirs* and witnesses have been included. After carefully examining the case record, it is evident that the procedural lapse has rendered the trial proceedings ineffective.

In light of these circumstances, we are inclined to partly allow this appeal. Consequently, impugned judgment is set-aside, and the matter is remanded back to the learned Trial Court for de-novo trial with specific instructions to reframe the charge and record the evidence of witnesses afresh. The Trial Court is further directed to expeditiously conclude the proceedings and decide the matter on its merits, preferably within 30 days from the date of receipt of this order.

Let a copy of this order be promptly communicated to the learned Trial Court for information and compliance.

JUDGE

JUDGE

Faisal Mumtaz/PS