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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Revision No.S-14 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on M.A.No.3391/2017
2. For orders on M.A.No.1105/2016
3. For Hearing of main case.

09.10.2017

Mr. Mushtaque Ali M. Chandio, advocate for the applicant.

Mr. Khadim Hussain Khooharo, Addl. P. G.

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1. Granted.
2. Granted subject to all just exceptions.
3. Though notice has not been ordered in this Criminal

Revision Application, however, the complainant has voluntarily filed Vakalatnama of Mr. Khalid Hussain Jatui, however, he is called absent, whereas, the record reflects that he has never been remained in attendance. In fact this matter pertains to an FIR of 2010 and cannot be kept pending any further.

Learned counsel for the applicant submits that impugned order dated 09.02.2016, whereby the applicant's request for summoning a witness from Peoples Medical College Hospital Nawabshah, has been turned down without appreciating the facts on record. He submits that the accused in his 342, Cr.P.C statement has specifically pleaded to lead evidence and has also cited witness from the same Medical College Hospital, as according to the applicant's case, he was hospitalized at the time of alleged incident. Counsel has referred to the said application in which the specific Bed Number as well as Report Number was mentioned but the trial Court has failed to appreciate the same and has dismissed his application on the ground that no document has been brought on record. He prays for allowing this Crl. Revision Application.

On the other hand, learned Addl. P. G submits that the
accused is entitled for a fair trial and since he has specifically pleaded
so in his 342, Cr.P.C statement, he has no objection if instant revision
is allowed and the trial Court is directed to record the evidence of the
concerned officer.

I have heard learned counsel for the applicant as well as
learned Addl. P. G and perused the record.

It appears that it is admitted position that while giving his
342, Cr.P.C statement, the accused has given names of three witnesses,
whereas, he has also requested the Court to call any concerned person
from Peoples Medical College Nawabshah for producing the documents.
In his application specific mention has been made of his Bed Number as
well as Report Number along with dates from 25.01.2010 till
29.01.2010. It appears that the trial Court has not appreciated this
point and instead of summoning the Administrator and/or Registrar of
the Hospital, the application of the accused has been dismissed. In the
circumstances, the order dated 09.02.2016 is hereby set aside with
directions to the trial Court to summon an appropriate witness on its
own from the Peoples Medical College Hospital Nawabshah so as to seek
verification of the applicant's claim regarding the admission in the
Hospital of Bed No.53 with Registration No.1373 during 25.01.2010 till
29.01.2010. Instant Crl. Revision Application is allowed in the aforesaid
terms.

M.Yousuf Panhwar/ **