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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Acquittal Appeal No. D- 03 of 2017.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For orders on M.A No. 3685/2016.
3. For hearing of main case.

08.3.2018.

Mr. Muhammad Afzal Jagirani, advocate for the appellant.

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

Mr. Mohammad Hashim Soomro, advocate a/w respondent No.1.

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We have heard the parties at length. By means of this acquittal appeal appellant/complainant has challenged the impugned judgment dated 01.9.2016 passed by learned 5th Additional Sessions Judge, Larkana in Sessions Case No. 467/2014 re: State v. Ali Dost Khoso arising out of Crime No.80 of 2014 of P.S Waleed registered for an offence U/S 302 PPC, whereby respondent No.1 has been acquitted.

All the counsel have agreed that although the learned trial Court has discussed the evidence of mashirs and other witnesses who have palpably not supported the prosecution case, but has ignored entirely evidence of complainant who has fully supported the version mentioned by him in the FIR. And that learned trial Court has not given any reason as to why the evidence of complainant has not been taken in the consideration and no attempt has been made by the trial Court to discuss the impact of the evidence of the witnesses who were declared hostile by the prosecution and the legal repercussions by putting it in juxtaposition to the evidence of the complainant. It is, therefore, obvious that the learned trial Court has not complied with the mandatory provisions of section 367 Cr.P.C.

In these facts and circumstances, with consent of the parties, the impugned judgment is set aside and the case is remanded back to the learned trial Court with the directions to rehear the parties on the material already recorded and thereafter announce the judgment afresh with a necessary recourse to the

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mandatory provisions of section 367 Cr.P.C; such exercise shall be completed within a period of two months from today.

In the above terms this appeal is disposed of. Appellant and respondents shall appear before the trial Court on 28.3.2018.


JUDGE


JUDGE 06/03/2018