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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Jail Appeal No. D-13 of 2021

**PRESENT:**

**Mr. Justice Omar Sial,  
Mr. Justice Khalid Hussain Shahani,**

Appellant : Atif Shehzad Pathan,  
through Mr. Shoaib Ali, Advocate.

Respondent : The State, through Mr. Ali Anwar Kandhro,  
Additional Prosecutor General.

Date of hearing : 11.02.2025.

Date of Judgment : 11.02.2025.

J U D G M E N T

**Omar Sial, J.-** At the very outset, learned Counsel for the appellant submits that although he has many grounds to argue but he would like to bring to our attention the questions which the learned trial Court has asked under section 342, Cr.PC statement. We are cognizant that at the appellate stage it is preferred that a decision on the appeal is taken and that the matter is not remanded to the learned trial Court. At the same time, we are also cognizant that the recording of the section 342, Cr.PC statement is a very important step in a criminal trial which is often overlooked and not given its due importance by the learned trial Courts. A read of the questions that have been asked in the section 342 statement makes it abundantly clear to us that no common man can even understand what the evidence against him was. The language of the



section 342 questions also indicates that it is cut paste job from the testimony of the witnesses. It is important that the appellant understands the evidence that has been brought against him and that he is given a fair opportunity to give his rebuttal to the evidence. Learned Counsel agrees, as indeed does the learned Addl. P.G., that the observation made by this Court is indeed correct and that in all probability the appellant did not even understand the evidence that has been produced against him.

2. Given the above, the case is remanded back to the trial Court for a fresh recording of section 342, Cr.PC statement, after which a fresh judgment shall be rendered. The learned trial Court shall ensure that small and understandable questions are put to the appellant in a language and manner in which he understands the evidence against him. The learned trial Court is directed to conclude this exercise within a maximum period of six weeks and report compliance to the learned Additional Registrar of this Court.

3. The appeal is disposed of in the above terms.

  
JUDGE

  
JUDGE