

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. Appl. No.145 of 2023

Date	Order with signature of the Judge
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For hearing of main case

26.11.2024.

Mr. Muhammad Nizar, Advocate for applicant.

Ms. Rahat Ahsan, Addl. P.G.

None present for respondents No.4 & 5.

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MUHAMMAD IQBAL KALHORO J: Applicant , who is complainant in FIR No.694/2022 has challenged an order dated 16.02.2023 passed by learned Sessions Judge, Malir Karachi deleting section 324 PPC observing that the same is not attracted as the injuries have been declared as Shuja-e-Khafifah and Shuja-e- Damya.

2. Learned counsel for applicant has argued that these two injuries were sustained by victim Abdul Rehman in firing by respondents/accused Abu Bakar and Bahadur Ali. From the spot, empties were recovered which supports the story and since these injuries are an outcome of a direct firing on the victim, section 324 PPC is prima facie attracted and observations of learned Sessions Judge are not sustainable either factually or legally. Learned Addl. P.G has supported the impugned order.

3. I have heard the parties and perused the FIR and other material. Prima facie section 324 PPC appears to be attracted in the case as the accused made direct firing upon victim causing him two injuries, one on his left knee and other on his left armpit close to his heart. The nature of the injuries and relevant provisions of law applicable thereto is beside the point and would not defuse act of accused to take life of the victim by firing upon him. In the circumstances, the case would not be challaned only under relevant provisions of injuries.

4. In the above circumstances, the impugned order is set-aside the Magistrate where the case is currently pending is directed to send the R & Ps to the learned Sessions Judge for proceeding against accused in accordance with law by restoring section 324 PPC deleted through impugned order.

The Cr. Misc. Application is accordingly disposed of.

JUDGE