

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No.439 of 2025

(Abdul Ghani & 3 others v. The State)

Date	Order with signature of Judge
------	-------------------------------

PRESENT:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz-ul-Hassan Shah

1. For order on office objection a/w reply as at 'A'.
2. For hearing of main case.
3. For hearing of MA No.9439/2025.

Dated; 19th February 2026

Mr. Mir Muhammad Jamali, Advocate for Appellants.

Mr. Mumtaz Ali Shah, Asst. Prosecutor-General, Sindh.

Ms. Farah Khan, Advocate for Complainant.

-*-*-*-*-

JUDGMENT

Muhammad Iqbal Kalhoro, J :-- Appellants have been convicted and sentenced to suffer Rigorous Imprisonment to fourteen years and fine of Rs.One million each for committing an offence under section 377-B, PPC vide impugned judgment dated 23.06.2025 passed by learned Ist Additional Sessions Judge, Sujawal / Special Judge under Anti Rape (Investigation and Trial) Act, 2021 in Sessions Case No.195 of 2023. While convicting and sentencing the appellants, trial Court has relied upon evidence of the victim and a USB produced by him in his evidence, which allegedly covers the alleged incident of commission of sodomy with him.

The objection of defence counsel is that this USB was not even examined by the Investigating Officer in the investigation, although the trial Court has relied upon it as incriminating piece of evidence, but has not discussed the same in the entire judgment, nor any reason given in this respect, as how it was relevant or admissible.

Learned counsel for complainant and learned Asst. Prosecutor-General, Sindh, both have admitted this fact and have submitted that in such circumstances the case may be remanded to the trial Court for rehearing and rewriting of the judgment within a certain time.

Due to above lapse, with consent, we set aside the impugned judgment, remand the case to the trial Court with directions to rehear the parties on the point and rewrite the judgment by discussing every single piece of evidence either in favour or against the appellants within a period of 1½ month and decide the case accordingly on merits.

This Criminal Appeal stands disposed of in above terms.

JUDGE

JUDGE

Farhan/PS