

Crl. Revision No.23371 of 2024

Ali Zain.

The State, etc.

16.04.2024. Mr. Kashif Arshad Malik, Advocate for the petitioner.

Through instant criminal revision under section 439 of Cr.P.C. read with section 435 Cr.P.C., Ali Zain, the petitioner, has prayed for setting aside the order dated 11.03.2024 (wrongly mentioned as 06.03.2024 in prayer) passed by the learned Additional Sessions Judge, Lahore, whereby the petitioner was not allowed to put question to Syed Muhammad Younus Bukhari draftsman (PW-1) regarding the relevancy of site plan of place of recovery of weapon of offence.

2. Learned counsel for the petitioner submitted that during cross-examination, Muhammad Younus Bukhari, draftsman (PW-1), was questioned about the site plan prepared by him, and the trial court has not allowed putting the question to the said witness as a not relevant question. The petitioner be allowed to put the question on the witness about the site plan he prepared and order dated 11.03.2024 to the extent of disallowing the petitioner to be set aside.

3. Heard. Record perused.

4. On perusal of the examination in chief as well as cross-examination conducted by the defence on Muhammad Younus Bukhari draftsman (PW-1), it reveals that during cross-examination, the defence put the question about the site plan of the place of recovery of the weapon of offence prepared by the investigating officer to the above said, witness. It is admitted that Muhammad Younus Bukhari, draftsman (PW-1),

is not the author of the site plan nor the witness on whose pointing site plan was prepared. Learned counsel for the petitioner admitted that the petitioner just wanted to verify the place of occurrence from the prosecution witness. For this reason, he referred to the site plan of the place of recovery of the weapon of offence. Learned counsel for the petitioner admitted that the petitioner had not prepared the site plan of the place of recovery of the weapon of the offence, nor did he remain a witness or, under his instructions, have the site plan prepared. Muhammad Younus Bukhari, draftsman (PW-1), is not a scribe of the site plan or cannot be considered an attesting witness. Thus, the totality of what has been detailed and discussed in the order impugned before this Court is sound and reasonable. Learned counsel for the petitioner has failed to point out any illegality or legal infirmity in the impugned order dated 11.03.2024 passed by the learned Additional Sessions Judge, Lahore, warranting interference by this Court.

5. The upshot of the above discussion is that the instant petition is without any substance, which is hereby dismissed.

**(Aalia Neelum)
Judge**

Approved for reporting

Judge

This order has been
dictated, pronounced,
prepared, and signed
on 16.04.2024

*Ikram**