

NO.

3196

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Maqbool Baqar
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.160-K of 2018

(Against the judgment dated 29.10.2018 passed by the High Court of Sindh Bench at Sukkur in Crl. Appeal No.S-221/2017)

Leemu Mobejo

...Petitioner(s)

Versus

Muhammad Daim and others

...Respondent(s)

For the Petitioner(s):

Mr. Mohammad Iqbal Caudhry, ASC/
AOR

For Respondents No.1-2:

Syed Shafqat Ali Shah Masoomo, ASC

For the State:

Mr. Zafar A. Khan,
Additional Prosecutor General along with
Sartaj, Inspector

Date of hearing:

24.12.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Aggrieved by acquittal of Muhammad Daim and Qaim-ud-Din, from the charge of homicide by a learned Division Bench of High Court of Sindh, Leemo Mojebo, petitioner herein, seeks leave of the Court to assail vires of impugned judgment dated 29.10.2018; the respondents tried alongside the co-accused, since acquitted, were returned a guilty verdict by a learned Addl. Sessions Judge at Noshehro Feroz; convicted under clause (b) of section 302 of the Pakistan Penal Code, 1860, they were sentenced to imprisonment for life vide judgment dated 19.12.2007.

2. Though the learned Division Bench of the High Court through a detailed discussion and extensive references to the law declared by this Court on principles regarding safe administration of criminal justice has endeavored to outline prosecution's failure to bring

home the charge against the respondents, however, the exercise is undertaken in the absence of any reference to the peculiarities of the facts of the case, furnished by the witnesses during the trial; it sans reference to the findings of guilt recorded by the learned trial Court as well. In the above backdrop, without commenting upon the merits of the case, we would prefer to remit the case to the learned High Court for re-writing of judgment, after hearing the both sides so as to benefit us with a detailed issue specific rendition within the contemplation of section 367 of the Code of Criminal Procedure, 1898; Petition is converted into appeal and allowed; consequently, impugned judgment dated 20.10.2018 is set aside. Case Remanded. The appeal filed by the convicts along with allied matters, if any, shall be deemed as pending. The respondents shall remain on bail upon furnishing bond in the sum of Rs.100,000/- with one surety each in the like amount to the satisfaction of the D.R. (Judicial) of the High Court; they shall appear in person on a date fixed/intimated by the Court.

[Signature]
Judge
[Signature]
Judge

Karachi, the
24th November, 2020
Not approved for reporting
Azmat/-

[Signature]
27/11/2020