

Consolidation or bifurcation of trial of accused and co-accused

S. 239---Penal Code (XLV of 1860), Ss.302/324/34/109---Qatl-e-amd, attempt to commit qatl-e-amd, common intention, abetment---Consolidation of trial of accused and co-accused---Scope---During trial case of accused was bifurcated from case of co-accused as the former remained an absconder and non-bail able warrants were issued against him---Accused subsequently joined trial and his case proceeded separately---Application filed by accused before Trial Court under S.239, Cr.P.C. for consolidation of cases was dismissed ---Validity---Trial Court had rightly observed that case of accused was bifurcated from case of co-accused to avoid delay in conclusion of trial; that evidence of 13 prosecution witnesses during trial of co-accused and 15 prosecution witnesses during trial of accused had been recorded and all prosecution witnesses were cross-examined at length---Inconvenience would be caused to the prosecution witnesses if they were recalled and both cases were amalgamated---Accused could not point out any prejudice that would be caused by if trials were conducted separately---Revision application was dismissed accordingly.(2013 PLD 532 KARACHI-HIGH-COURT-SINDH)