

IN THE HIGH COURT OF SINDH AT KARACHI

BEFORE:

Mr. Justice Aftab Ahmed Gorar

Cr. Misc. Appln No.229 of 2019

Manro	-----	Applicant
	Versus	
The State & others	-----	Respondents
Date of Hearing:	12.03.2020	
Applicant:	Through Mr. Ashraf Samoo, Advocate	
State:	Through Mr. Faheem Hussain Panhwar, DPG	
Complainant:	Through Mr. Abbas Ali Abbasi, Advocate	

J U D G M E N T.

AFTAB AHMED GORAR, J.- This application has been filed by the applicant assailing the summary order dated 20.11.2017 passed by XXIIIrd learned Judicial Magistrate, Karachi (West) whereby the report of Investigation Officer under section 173 Cr.P.C. in respect of FIR No.98/2017 under section 302 PPC registered at Police Station Maripur was approved under “C” class.

1. Learned Counsel for the applicant submitted that the I.O mala-fidely did not show any injury on the body of the victim which are even visible in the pictures of deceased annexed with this application also. He further submitted that the I.O. did not call any witness or collected any substantial evidence and has filed report under section 173 Cr.P.C in collusion with the private respondents. He also submitted that the order passed by the learned Magistrate is without any cogent reason hence illegal. He further submitted that the learned Magistrate accepted the report of I.O. under “C” class in haste manner without considering the real facts involved in the case.

2. On the other hand, learned D.P.G opposed this application and submitted that the learned Magistrate after going through the record including

the medical reports passed the impugned order according to law, which is a speaking order therefore, does not require any inference.

3. Heard the learned Counsel for the applicant, learned Deputy Prosecutor General and perused the record as well as the medical reports.

4. The record reveals that the Medical Board consisting of five medical experts thoroughly examined the dead body of victim thereafter vide their report dated 11.2.2017 opined that there is no violence on the body of victim, however the material taken from the body of deceased was sent for chemical analysis to detect poisoning, if any. Such observations of Medical Board clearly ruled out any torture and violence which fact is further fortified when the samples of dead body of victim were sent for chemical analysis to ascertain poisoning, if any.

5. Since the murder of victim is only claimed due to torture and injury hence no other investigation in the matter is required except that medical reports are to be relied upon solely for establishment of offence or otherwise which report does not favour the version of the applicant.

6. In view of the above discussion, I am of the firm opinion that the impugned summary order dated 20.11.2017 passed by XXIIIrd learned Judicial Magistrate, Karachi (West) is well reasoned and according to law, hence does not call for any interference, therefore, this Criminal Miscellaneous Application is dismissed and the impugned order is maintained.

Judge