

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-202 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection
- 2. For hearing of main case
- 3. For hearing of M.A. No.2461/2025

Mr. Ayatullah Khowaja advocate for applicant.
Mr. Irfan Ali Talpur DPG along with IO/Inspector Muhammad
Naseer Rais, PS ACE Hyderabad.

Date of hearing: 18.04.2025
Date of Decisions: 22.04.2025.

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MIRAN MUHAMMAD SHAH, J.- Learned Counsel has filed this Application u/s 561-A Cr.P.C. where being aggrieved and dissatisfied with the Order dated 22.02.2025 passed by the learned Special Judge Anticorruption Court Provincial Hyderabad on final investigation Report submitted by the investigation officer whereby name of Applicant was recommended for placing the name of Applicant in Colum 2 on the ground that the learned Trial Court has not assigned any reason or justification for disagreeing with the Report of the investigation officer while passing the impugned Order but the learned Trial Court has miserably failed to appreciate the material and passed the Order without considering the material available on record. On the other hand, he states that due to non-availability of sufficient material investigation officer opined that the Applicant is innocent and the facts and record shows that he has not committed offence as alleged by the Complainant. Investigation officer has stated in his Report that since the Applicant was not the authority at the time when the offence was committed. It was only passed on the Report. Such approval was given.

2. Learned DPG strongly opposes the contentions raised by the Counsel for the Applicant/accused and supports the impugned Order. He also further states that since it was the very Report prepared by the Applicant/accused upon which the actin/offence was allowed to have been taken, therefore, the present Applicant/Accused needs to face the trial.

3. I have heard learned Counsel for the Applicant/Accused as well as learned APG so also the investigation officer present. As per I/O despite placing the Applicants\Accused in Colum 2 of the challan and exonerating him from the case he I/O states that he was the one who prepared the initial note sheet for revised building plan in violation of Rule 3-2.5 Sindh Building and Town Planning Regulations while allowing structural changing in the subject building. However he does not give any reasoning as to why despite these allegations he was placed in Column 2. No doubt the learned Trial Court has also not given any justification for disallowing the Report of the investigation officer and directing for registration of case against present Applicant/Accused. However prima face the record available in the challan sheet suggests that an offence was committed based on the note sheet of the present Applicant/Accused, therefore, his case may be sent for trial despite the lacuna left by the learned Magistrate in his impugned Order. Criminal Miscellaneous Application No.S-202/2025 with such observation is hereby dismissed.

JUDGE

Ali Haider