

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

*Criminal Misc. Application No.S-30 of 2026
(Masroor Ahmed @ Bablo & Ors v. Mumtaz Ali & Ors)*

Applicants : Masroor Ahmed @ Bablo and others
through Mr. Rafique Ahmed K.Abro,
Advocate.

Respondents : Mumtaz Ali and others. (Nemo)

Date of Hearing : 02.02.2026.

Date of decision : 02.02.2026.

O R D E R

Ali Haider 'Ada'.J:- Through this Criminal Misc. Application, the applicants being accused assailed the order dated 10.06.2025, passed by learned Judicial Magistrate-II, Kamber, in FIR Crime No.53 of 2024, lodged at Police Station, Warrah, District Kamber-Shahdadkot, for offence under Sections 302, 427, 395, 337-H(ii), 148, 149 PPC.

2. Prosecution case relies upon the fact that the complainant alongwith his father, namely Sikandar Ali proceeded in which some unknown persons encircled and also opened fire upon his father, which hit his left chest, and even though they also committed robbery and then escaped. As the FIR was lodged against unknown persons on 06.06.2024, while the date of the incident was 05.06.2024. The complainant appeared before the Investigation Agency and disclosed the names of the accused persons through a further statement recorded on 10.09.2024, and second further statement was recorded on 11.11.2024, wherein the names of the accused persons. The investigation was conducted thrice, as lastly on 04.01.2025, the I.O submitted "A" class summary in that FIR. The Learned Judicial Magistrate did not agree with the opinion of the I.O and declined/disagreed with the opinion of the I.O and passed the order, which is assailed through this application.

3. Learned counsel for the applicants submits that the further statement was recorded after lapse of three months and even though the accused persons are residing on the same vicinity but due to the malafides of the complainant, he did not disclose their names to the Investigation Agency which was conducted thrice, if, they are real accused, the police disposed of the matter and learned Judicial Magistrate without applying the judicious mind, passed the impugned order, as the FIR was disposed of under "A" class, which was rightly disposed off by the Investigation officer, in which the complainant lodged the FIR against unknown persons and later on he improved his version by recording further statement which are not tangible under the law and he prayed for setting aside of the impugned order.

4. Heard and perused the material available on record.

5. The scope of the category of clauses is not defined in the Criminal Procedure Code of 1898, and under the Police Rules 1934, the same were categorized in the Bombay Presidency Rules. However, the same were incorporated in Bombay Police Manual 1959, in which Rule 219 categorized such category regarding disposal of the cases, if the investigation finds the matter in hand was to be disposed of under the following category, as such Rule 219 describes three categories, which are as follows;

"A" class case pertains to an untraced matter where the accused persons remain unknown or cannot be identified despite investigation, and the case is accordingly disposed of by the Investigating Officer.

"B" class case relates to matters found to be false or malicious, and in such circumstances, the Investigating Officer is authorized to dispose of the case accordingly, as also envisaged under Section 157(b), Cr.P.C.

"C" class Case where evidence is insufficient, the matter is primarily civil in nature, or the offence is non-cognizable.

6. Coming to the facts of the present case, the matter was proposed to be disposed of under "A" class. In this regard, Rule 21.35 of the Police Rules, 1934 provides the procedure and criteria for dealing with "A" class cases. The said rule, inter alia, requires that where the offence is found to be true, but the accused remains unknown or untraceable despite

reasonable efforts, the Investigating Officer may submit an "A" class summary, subject to scrutiny and approval by the competent court.

Rule 21.35 (h) *To co-ordinate and guide the efforts of police station staff throughout the district in securing the arrest of absconders and proclaimed offenders and in locating absentee bad characters, criminal tribesmen and other untraced persons and to maintain close co-operations with the C.I.As. of other districts in this work.*

7. The underlying theme of the said rule is to ensure coordination among the police officials and to make sincere and continuous efforts for tracing and apprehending the untraced accused persons, while also maintaining regular progress of the investigation. In this regard, Rule 27.39 of the Police Rules, 1934, further elaborates the manner in which such progress is to be supervised and recorded. For ready reference, Rule 27.39 is reproduced as under:

27.39. Monthly sorting.-(1) *At the end of each month, or sooner if convenient, the cases in the upper row which are no longer pending investigation shall be sorted and divided into separate packets as follows;*

(a) All traced cases and untraced bailable cases, including cancelled cases.

(b) Untraced non-bailable cases, in which action under section 512 Code of Criminal Procedure, has not been taken.

(c) Untraced bailable and non-bailable cases in which action under section 512, Code of Criminal Procedure, has been taken.

8. According to Rule 27.39 of the Police Rules, 1934, it is the prime duty of the Investigating Officer as well as the head of the district to review and follow up untraced cases at the end of each month. The concept and scope of an "A" class case are entirely distinct from those of "B" and "C" class cases. An "A" class pertains only to such cases where the offence appears to be true but remains untraced despite earnest efforts by the Investigating Officer. However, once the complainant, even after a lapse of time, discloses the names of the accused persons, the case no longer remains untraced and, therefore, cannot legally be disposed of under "A" class.

9. In the present case, the Investigating Officer submitted the "A" class report on 04.01.2025, although the complainant had already disclosed the

names of the accused persons through further statements. In such circumstances, submission of an "A" class summary was not legally permissible and reflects a defective investigation as well as a lack of due application of mind on the part of the Investigation Agency. Consequently, the contention raised by learned counsel for the applicants that the matter could validly be disposed of under "A" class is untenable.

10. Furthermore, the learned Magistrate passed the impugned order upon examining the report submitted by the Investigating Officer and found that the disposal of the case was made without proper appreciation of the available material. The findings recorded by the Investigating Officer were, therefore, rightly held to be contrary to law.

11. In view of the foregoing facts and reasons, this Criminal Miscellaneous Application is dismissed in *limine*, as no interference is warranted in the impugned order. The S.S.P., Kamber-Shahdadkot, is directed to look into the conduct of the Investigating Officer who, without adhering to the Police Rules and the relevant law, disposed of the matter under "A" class, which was not permissible in the circumstances, and to take appropriate action against the concerned Investigation Agency strictly in accordance with law.

JUDGE