

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No. S-351 of 2025

[Hazoor Bux Narejo Versus Province of Sindh and others]

Petitioner : Hazoor Bux son of Ali Sher Narejo, present in person.

Respondents : Respondent No.2 – Zahid Hussain son of Sabal Khan Narejo, through Mr. Safdar Ali Ghouri, Advocate.
Respondent No.5 – SI Nisar Ali Shah, present in person.

The State : Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh & Mr. Abdul Waris Bhutto, Assistant Advocate General, Sindh.

Date of hearing : 23-02-2026

Date of order : 23-02-2026

ORDER

Adnan Iqbal Chaudhry J.- Prayer (a) is for setting aside order dated 23.05.2016 passed by this Court in C.P. No. S-503/2016 on the ground that it was obtained by concealing facts. The same prayer was made earlier by the Petitioner by way of an application under section 12(2) CPC moved in C.P. No. S-503/2016 in which he was respondent No.2 and the Respondent No.2 here was the petitioner. That application was dismissed as not pressed when the Court observed on 28.08.2025 that the earlier order dated 23.05.2016 had merely disposed of the petition on the undertaking of the police that the petitioner of C.P. No. S-503/2016 (Respondent No.2 herein) would not be harassed. It was further observed by that order, that the Petitioner may file a fresh petition for his grievance. However, in filing this fresh petition, the Petitioner has again made the same prayer. For this reason, the Court had dismissed prayer clause (a) vide order dated 22.09.2025 while issuing notice on the other prayers.

2. The other prayer of the Petitioner is for a direction to the police to take action against the proclaimed offenders in Sessions Case No. 702/2015 emanating from Crime No. 23/2015. Those proclaimed offenders were (i) Abdul Khaliq (ii) Muhammad Qasim (iii) Zahid

Hussain (Respondent No.2), and (iv) Shahid Hussain. The Petitioner is complainant in that case. It is contended by him that though the I.O. of that case had submitted a supplementary report dated 19.11.2015 to let-off three out of the four proclaimed offenders, the Magistrate did not accept the same while leaving that matter to the Additional Sessions Judge before whom the trial was fixed; whereas, when the matter came up before the Additional Sessions Judge on 15.12.2015, he did not pass any order accepting or rejecting the supplementary report dated 19.11.2015 in respect of the proclaimed offenders who had been let-off, and only ordered that the case against the proclaimed offenders be retained on the dormant file till they are arrested. These contentions of the Petitioner are supported by the record of Sessions Case No. 702/2015 and are also affirmed by report dated 05.11.2025 received from the VI-Additional Sessions Judge, Larkana, who has charge of the trial court presently lying vacant.

3. As already observed by this Court in order dated 28.08.2025 passed in C.P. No. S-503/2016, the earlier order dated 23.05.2016 passed in that petition does not prejudice the Petitioner. That being said, the Petitioner's grievance is, and rightly so, that on the one hand the trial court did not accept the supplementary report dated 19.11.2015 to let-off any of the proclaimed offenders; and on the other hand, the I.O. of the case does not arrest the available proclaimed offenders on the pretext that they had been let-off in the supplementary report. Mr. Safdar Ali Ghouri, learned counsel for one of those proclaimed offenders, namely Respondent No.2, also has a point while submitting that unless the trial court rejects the supplementary report, no adverse presumption can be drawn against him. In these circumstances, the trial court is directed to take up Sessions Case No. 702/2015 and pass an order in accordance with law on the supplementary report dated 19.11.2015 whether proposes to let-off three out of the four proclaimed offenders. The office shall communicate this order to the trial court. Petition disposed of.

JUDGE