

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. Application No.S-683 of 2025
[Imran Ahmed vs. IGP Sindh and Others]

Applicant by:	Nemo
Private respondent by:	Nemo
State by:	Mr. Altaf Hussain Khokhar D.P.G a/w Inspector Muhammad Changal and Inspector Dileejan
Date of hearing	17.06.2026
Date of Order	17.06.2026

ORDER

TASNEEM SULTANA, J: Through the instant Criminal Miscellaneous Application, the applicant Imran Ahmed son of Imam Bux has assailed order dated 27.09.2025 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Criminal Miscellaneous Application No.5551 of 2025, whereby his application under Sections 22-A and 22-B, Cr.P.C. seeking transfer of investigation/re-investigation, constitution of JIT, preservation of CCTV footage and other ancillary directions in respect of FIR No.425 of 2025, registered at Police Station Qasimabad, Hyderabad, under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024, was dismissed.

2. The record reflects that the applicant had approached the learned Ex-Officio Justice of Peace with the allegation that on 30.08.2025 he was abducted from Hyder Chowk, Qasimabad, subjected to torture, kept in illegal confinement and thereafter falsely booked in the aforesaid FIR. It was further alleged that the police officials demanded illegal gratification/ransom and, upon refusal, implicated him in a narcotics case. On such premise, the applicant sought transfer of investigation from the present Investigating Officer to an impartial officer, formation of a Joint Investigation Team, securing of CCTV footage and call data record, besides protection of life and liberty.

3. The learned Ex-Officio Justice of Peace called reports/comments from the concerned police officials. After hearing the parties and considering the reports, it was observed that the applicant had not pointed out any specific illegality committed by the Investigating Officer during investigation; rather, he had merely made a formal request for transfer of investigation. It was further noticed that, according to the police report, the applicant was found in possession of contraband charas, on account whereof FIR No.425 of 2025 under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024 had been registered. Accordingly, the application was dismissed.

4. Learned D.P.G., assisted by the police officials present, submits that investigation has already culminated into challan, cognizance has been taken and charge has already been framed by the learned trial Court; therefore, no direction for transfer of investigation or constitution of JIT is called for at this stage. It was further submitted that the applicant may raise all permissible pleas before the learned trial Court in accordance with law.

5. Heard learned A.P.G. and perused the record.

6. The scope of proceedings under Sections 22-A and 22-B, Cr.P.C., in matters relating to transfer of investigation, is limited. The Hon'ble Supreme Court in *Younas Abbas and others v. Additional Sessions Judge, Chakwal and others* (PLD 2016 Supreme Court 581) has held that such jurisdiction is to be exercised with caution and in view of the mechanism provided under the Police Order, 2002. Article 18-A of the Police Order, 2002 also provides a complete mechanism for change of investigation before the police hierarchy. Reference in this regard may also be made to PLD 2020 Lahore 434.

7. In the present case, the applicant's grievance before the learned Ex-Officio Justice of Peace was essentially for transfer of investigation/re-investigation and constitution of JIT in Crime No.425 of 2025. However, the record shows that investigation has already been completed, challan has been submitted before the competent Court, cognizance has been taken and charge has been framed by the learned Special Judge (CNS), Hyderabad, on 03.10.2025. Once the matter has entered into trial, the prayer for transfer of investigation or constitution of JIT has lost its efficacy. No useful purpose would now be served by issuing any such direction in these proceedings.

8. In view of the above subsequent development, the instant Criminal Miscellaneous Application is dismissed having become infructuous. The observations made hereinabove are tentative in nature and shall not prejudice either party before the learned trial Court.

JUDGE