

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Transfer Appln: No.S-42 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

30.05.2025

Ms. Fatima Zahara Ansari, advocate for applicant.
Mr. Babar Ali Mirani, advocate for respondent No.2.
Ms. Safa Hisbani, A.P.G along with Mr. Muhammad Siddique SSP Jamshoro,
Inspector Aamir Hussain Focal Person SSP Jamshoro, S.P. M. Jaffer Siddique
o/b DIGP, DSP Wazir Ali Babber o/b DIGP Hyderabad.
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Learned counsel for the respondent has pointed out that Presiding Officer who was holding the Court has now being transferred, as such, very purpose of filing instant Criminal Transfer Application has become infructuous.

In pursuance to the notice SSP Jamshoro appear and states that the challan/charge sheet prepared under Section 173 Cr.P.C by the Investigation Officer was approved by his predecessor in office and such investigation officer has already attends superannuation and stood retired.

The SSP Jamshoro states that he will appoint senior Investigation Officer to carry out further investigation with regard to uncertainty about the dead body of deceased/victim in the primary DNA report prepared by the Sindh Forensic DNA and Serology Laboratory, reveals that the body is gender of male rather than deceased victim, who was a woman in the present case.

Besides, I have noticed that the video recording confession as surfaced during investigation, but no forensic analyses has been conducted, which is failure at the part of Investigation Officer. Similarly, the non-joining of media persons before whom such confession has been made or the officials of Eidi Foundation has taken the body of the deceased victim from the crime scene till burial- mortuary or even police officials who has carried out proceedings under Section 174 Cr.P.C and attended the crime scene have not cited as prosecution witnesses. A serious question before me urged by the learned counsel for applicant and it appears that it is a failure of Investigation Officer that may account invoking provision of section 186(3) Penal Code, 1860 against him without delving further into deep appreciation, I would rely upon the undertaking of the learned SSP, Jamshoro that he will personally supervise the investigation as obligated under the Police Rules-1934. Let at the first instance the SSP Jamshoro shall appoint a new Investigation Officer while taking into consideration above observation and the orders of this Court passed in C.P.No. D-1221, 1222 and 1223 of 202 vide Order dated 19th March, 2025.

It is shocking for me that in homicide case, the criminal justice system has been undermined by preparing DNA report with uncertainty as the body of the deceased woman has been kept in the report of DNA official of Jamshoro Laboratory, which states that exhumation proceeding of the body has been analyzed relates to male gender therefore, the Director Anti- Corruption Establishment Sindh, Karachi is directed to conduct inquiry in this

aspect as was it dishonesty of the Investigation Officer to take at the grave of male gender or mal-handle in DNA report by laboratory official and any dishonesty attribute towards mens-rea to intentionally create the defect or flaw or dormitory in the investigation in breach of duty as it requires Justice with the body of deceased victim as urged by the learned counsel for applicant.

Accordingly instant Criminal Transfer Application is disposed of with directions to learned Sessions Judge to place the case at the disposal for himself or senior Addl. Sessions Judge.

The Director Anti-Corruption Sindh and SSP shall submit compliance report within [30] days through Additional Registrar of this Court for perusal.

JUDGE

Ahmed/Pa