

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Crl. Revision Application No. 07 of 2013
 Crl. Misc. Application No. 209 of 2013

Date _____ Order with signature of Judge _____

Cr. Revision Application No. 07 of 2013
Criminal Misc. Application No. 209 of 2013

Date of hearing **13.03.2018**

Date of Order **11.06.2018**

Mr. Mohammad Nazeer Tanoli, Advocate for the applicant in
 Crl. Revision Applications No. 07 of 2013 and 209 of 2013

Syed Tasawar Hussain Zaidi, Advocate for Respondent No.1
 and 2 in Crl. Revision Application No. 07/2013 and 209 of
 2013 respectively.

Ms. Rubina Qadir, A.D.P.P.

KAUSAR SULTANA HUSSAIN, J:---- I through instant order intend to
 dispose off Criminal Revision Application No. 07 of 2013 filed by
 Maulana Muhammad Mohsin Faiz against Sheikh Sikandar Hussain
 and others and in Criminal Misc. Application No. 209 of 2013 filed
 by Ghulam Muhammad Khan Versus Shaikh Sikandar Hussain and
 others, both in Private Complaint No. 479 of 2009. It was stated
 that the Private Complaint No. 479/2009 was filed by the
 respondent Sheikh Sikandar Hussain on 05.09.2009 in the court
 of learned Judicial Magistrate-VII, Karachi South against the
 applicant(s) and others for offences under Sections 295-B, 295-C,
 298-A, 423, 469, 464, 471, 196, 195, 192/34 PPC who sent it to
 learned Sessions Judge Karachi South being triable by Sessions
 Court. On 10.12.2009 statement of the complainant was recorded
 under Section 200 Cr.P.C and R&Ps was ordered to be sent to the

Court of learned Civil Judge and Judicial Magistrate IVth Karachi (South) for recording the preliminary enquiry by the Court of VIth Additional Sessions Judge Karachi (South). Later on another order was passed on 07.07.2011 by the learned IIIrd Additional Sessions Judge Karachi (South), whereby the complainant was directed to submit five volumes of said book and revised edition alongwith the legible copies of said Fatwa to be forwarded to them religious institutions for their opinions. This order was also not complied with. However, on 11.02.2012 complaint submitted by the complainant side was registered and bailable warrants were issued against the applicants and other accused persons.

During the course of hearing on 14.01.2013, operation of the impugned order was suspended by this Court for 21.01.2013 of respondent named above and the Prosecutor General Sindh.

I have heard the learned counsel for both the sides and gone through the relevant record, it is evident that both the orders passed by the learned Additional Sessions Judges on 10.12.2009 and 07.07.2011 were not complied with yet the complaint was registered. The learned Ist Additional Sessions Judge Karachi (South) while passing order dated 11.02.2012 first gone through the contents of the application, as it, evident from the order itself though it was required, in view of the orders passed by his predecessor and keeping in mind the sensitivity of the allegation contained in the complaint, for that preliminary enquiry should have been conducted taking benefit of proviso (2) of section 202 Cr.P.C, it would have been move appropriate in the

circumstances of the present case of the investigation was to be conducted by the Magistrate, who would also get assistance, if necessities from such specialize branch of police, which is mandated to conduct such sensitive investigation.

In view of the above discussion, orders passed on 11.02.2012 by the learned Ist Additional Sessions Judge Karachi (South) is set aside with the direction that Preliminary Enquiry be held in terms of directions contained herein above. Bail bonds furnished by the accused persons as a consequences of the registration of complaint supra are hereby discharged. Cr. Revision Application No. 7 of 2013 and Cr. Misc. Application No. 209 of 2013 are hereby disposed off accordingly.

J U D G E

Faheem/PA