

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.D- 527 OF 2017

Before:

Mr. Justice Muhammad Iqbal Mahar
Mr. Justice Irshad Ali Shah

1. For orders on office objection
2. For orders on MA-2407/17
3. For hearing of main case.

Petitioner: The State/Anti-Narcotics Force through Assistant Director Ghulam Abbas ANF PS Hyderabad;
Through Mr. Muhammad Ayoub Kassar, Special Prosecutor ANF.

Respondent: The State, through Mr. Muhammad Ismail Bhutto, Assistant Advocate General Sindh.

Date of hearing: 17-10-2019.

Date of decision: 17-10-2019.

ORDER

IRSHAD ALI SHAH, J; The facts in brief necessary for disposal of instant constitutional petition are that the police party of ANF Hyderabad led by Inspector Muhammad Mashooque, on arrest from accused Muhammad Juman secured five kilogram of the charas within jurisdiction of District Badin. On due investigation, challan of the case was submitted by ANF police before learned Sessions /CNS Judge, Badin, for trial of the accused involved therein, in accordance with law. It was returned by learned Sessions/CNS Judge, Badin vide his order dated 21.01.2017 with observation that; PS ANF is situated within District Hyderabad as such the challan has to be submitted before the Sessions Court / CNS Court having jurisdiction.

Heard arguments and perused the record.

Section 177 Cr.P.C provides that every offence shall ordinary be inquired in and tried by a Court within the local limits of whose jurisdiction it was committed. In the instant matter the alleged offence has admittedly been committed at District Badin which is situated within local limits of Sessions/ CNS Court, Badin. In that situation, learned Sessions / CNS Judge Badin was under lawful obligation to have taken the cognizance of the offence against the accused involved therein on police report for its disposal in accordance with law within the mandate contained by section 177 Cr.P.C. By not doing so, he has committed wrong, which has rendered the impugned order to be illegal, it is set-aside.

The instant constitutional petition is disposed of accordingly.

JUDGE

JUDGE

Ahmed/Pa,