

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P.No.D-6823 of 2019

1. For order on office objection
2. For hearing of Misc.No.30355/19
3. For hearing of main case

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**21.02.2020**

Mr. Bilal A.Khawaja, advocate for petitioner.

Mr. Abrar Ali Khichi, Addl.P.G.

Ms. Naushaba Haq Solangi, AAG.

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The facts in brief necessary for disposal of instant petition are that the petitioner is a construction company. It was awarded a contract for work at Sindh Secretariat. Subsequently, on a reference made by Government of Sindh he was called for enquiry by Chairman Anti-Corruption Establishment, Sindh, such enquiry the petitioner has sought to be declared illegal and unlawful by way of instant petition.

2. It is contended by learned counsel for the petitioner that the petitioner is being harassed and humiliated by the Chairman Anti- Corruption Establishment Sindh, without lawful justification in connection with a false enquiry. By contending so, he sought for declaration of such enquiry to be illegal and unlawful.

3. It is contended by learned DPG for the state and learned AAG that after conclusion of the formal enquiry the charge sheet against the petitioner has been submitted before the Court having jurisdiction and the petitioner has not joined the trial. By contending so, they sought for dismissal of the petitioner.

4. We have considered the arguments and perused the record.

5. The enquiry which is sought to be declared illegal and unlawful by the petitioner was converted into investigation and after due investigation a report in terms of Section 173 Cr.P.C. has been submitted by the police, its cognizance has been taken by the Court having jurisdiction, which has not been challenged by the petitioner before any other forum. In that situation, it would be hard to declare the enquiry to be illegal and unlawful when it is not found to be pending any more. Now the petitioner has to prove his innocence by joining the trial before the learned trial Court, which apparently he has failed to join. Consequently, the instant petition being misconceived is dismissed together with the listed application.

JUDGE

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