

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. A. No.S- 241 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of main case.
3. For hearing of M.A-3508 of 2022

16.05.2022

None present for the applicant.

Ms. Rameshan Oad, A.P.G.

Mr. Wishan Das Kolhi Advocate for respondent No.3.

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At the outset, it would be conducive to reproduce relevant paragraph of impugned order which is that;-

“ The reports of SHO and DSP Khipro reflect that as per prime investigation on 16.09.2021 one Muhammad Akram Umrani brother of applicant Muhammad Bux informed that his sister Mst. Asmat W/o Ali Hassan Umrani was brother by her husband and others after the commission of hanging at Taluka hospital Khipro, to whom on 08.09.2021 they brought at Karachi where she died and her dead body is at Taluka Hospital Khipro, on which information ASI Bisharat Hussain Wistro proceeded and got conducted postmortem and after legal formalities handed over the dead body to informer Muhammad Akram. It is further submitted that on 19.09.2021 Muhammad Akram brother of applicant got kept NC Report U/S 174 Cr.P.C. vide entry No.05/2021 regarding death of Mst. Asmat as natural death and after that ASI Bisharat Ahmed Wistro recorded statements of Ali Hassan @ Hassan Ali husband of deceased, Jumoon Umrani father-in-law, Wahid Ali Umrani brother-in-law and also got postmortem report as well as report of PS Sadar South Karachi and also obtained audio recording of deceased Asmat in which she is disclosing about his act as suicide. It is further submitted that as per their inquiry the deceased had attempted to commit suicide 1/2 times ago and she was psychic patient and committed suicide and there is previous rift over relationship and as per inquiry the deceased has committed suicide and the applicant has filed this application with malafide intention.

There appears serious allegation against the proposed accused and the allegations are serious in nature requires investigation. In this regard, it is sprit of law that section 154 Cr.P.C. is mandatory and SHO cannot refuse to record statement. I, therefore, direct the SHO to record the statement of applicant, if cognizable offence is made out then register the FIR as required U/s 154 Cr.P.C. as per law and investigate the case honestly.”

By order dated 11.04.2022, notices were issued to the respondents as well as the learned A.P.G, with direction that **“In case, FIR is registered,**

investigation shall be conducted in accordance with law.” Mr. Wishan Das Kolhi Advocate who has filed vakalatnama on behalf of respondent No.3, contends that as the FIR in the present matter is in field and Investigating Officer is continuing with investigation; accordingly, the present application has become infructuous.

In view of the above, instant criminal miscellaneous application is disposed of, alongwith the listed application, in the terms that Investigating Officer shall carry out investigation of the crime in impartial manner and shall submit such report under section 173 Cr.P.C. before the Magistrate concerned; however, no arrest shall be caused unless tangible evidence is collected.

Needless to mention that proposed accused shall approach the trial Court for grant of bail if report u/s 173 Cr.P.C is affirming the claim of complainant.

JUDGE

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