

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Misc. Application No. 388 of 2022

Date

Order with Signature of Judge

For hearing of Main Case.

27.07.2022

Mr. Ajab Khan Khattak, Advocate for the Applicant.

Mr. Zahoor Shah, Addl. Prosecutor General, Sindh along with SIP Niaz Hussain of P.S Gulshan-e-Maymar, SIP Iftikhar Ahmed and SIP Ghulam Akbar of P.S Baloch Colony, Karachi.

ORDER

Through this application, applicant has called in question order dated 26.05.2022 passed by Addl. Sessions Judge-XII, Karachi (West) whereby has dismissed prayer regarding registration of the case of applicant against proposed accused; however, has granted protection to the applicant through same order.

2. The main contention of learned counsel for the applicant is that proposed accused being police officer has entered into his house and has taken away some golden ornaments, which according to him, was an offence, therefore, direction may be issued to respondent No.2 to get his FIR registered against proposed accused.

3. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposes the application and submits that one Malik Shahbaz Alam had got registered FIR No.117/2022 with P.S Baloch Colony, District East on 27.03.2022 under Section 397 and 34 PPC and proposed accused / Sub-Inspector Iftikhar Ahmed was assigned investigation of said crime, therefore, proposed accused arrested one of the accused namely Muhammad Ahsan alias Altaf son of Muhammad Yaseen, who was subjected to identification parade on 21.04.2022. Learned Addl. P.G, Sindh further submits that on 22.04.2022 said arrested accused Muhammad Ahsan alias Altaf volunteered during interrogation and disclosed that his other companions have shifted to province of Punjab and on 27.04.2022 he produced robbed golden articles, which were made case property of the said crime and after completion of investigation case was challaned by the proposed accused which is now pending for trial before the Court of Addl. Sessions Judge-IV, Karachi (South). In support of his contention, he submits copy

of FIR No.117/2022 along with progress report of the investigation, taken on record.

4. Proposed accused/Sub-Inspector Iftikhar Ahmed, present, submits that the applicant is brother in law of said accused Muhammad Ahsan alias Altaf and in order to exert illegal pressure upon him, applicant has managed this false story so that police may not perform their lawful duty or keep eagle's eye upon the movement of criminals of the area. He further submits that applicant is working as *Pesh Imam* in the Masjid where Pakistan Rangers are deployed, therefore, he also extends threats regarding dire consequences. As far as allegations contained under the applications are concerned, proposed accused submits that he has not entered into house of the applicant or taken away any ornaments from his house; however, accused of Crime No.117/2022 was challaned by him along with recovery of golden ornaments; hence, due to said grudge, he has been arrayed as an accused in this case. He, therefore, prays for dismissal of the application.

5. Heard arguments and perused record. Admittedly, the proposed accused is a police officer and has investigated crime No.117/2022 and thereby has arrested accused wanted in said FIR and subsequently recovered the robbed golden articles from him and now the said accused is in custody. The incident of FIR No.117/2022 occurred on 27.03.2022 and recovery of allged articles including golden ornaments were effected from accused Muhammad Ahsan alias Altaf on 27.04.2022; however, the applicant has admitted in his application that on 24.04.2022 two police mobiles consisting police officials had allegedly entered into his house and thereby had taken away certain amount as well as gold. It is astonishing to note that if a police officer had entered into house of the applicant and took away certain golden ornaments as well as cash then why he had not usurped and instead had shown case property of other crime in which brother in law of the applicant was arrayed as an accused. Such dilemma is yet to be determined by the trial Court where case against Muhammad Ahsan alias Altaf is pending trial. As far as, instant application is concerned, no case for interference is made out. Consequently, instant Criminal Misc. Application, being devoid of its merit, is hereby dismissed along with pending application(s).

JUDGE