

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 433 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case

For hearing of main case

06.05.2024

Mr. Shamsuddin N.Kobhar, Advocate for Applicant
Mr. Ubedullah Ghoto, Advocate for respondents
No.4, 9 to 16
Mr. Aamir Ali Bhutto, Advocate for Respondents
No.1, 5 to 7
Mr. Zulfiqar Ali Jatoy, Additional PG for the State
SIP Meharaban Ali Kolachi, SO P.S 'A' Section, Ghotki

ORDER

Muhammad Iqbal Kalhoro, J;- An FIR/Crime No.143/2023 was registered on behalf of State by SIP Muhammad Ayoub Dogar, alleging an encounter with dacoits in which five accused, namely Akhtiar Ali, Muhammad Sachal, Ehsan alias Kajlo, Ali Akber and Ali Irfan, were killed from firing of their accomplices. After investigation, the case has been disposed of under 'A' class.

An application under Section 22-A and 22-B, CrPC was filed by applicant, who is brother of deceased Akhtiar and Muhammad Sachal, killed in the said encounter, alleging that his brothers were taken away by the police from his house on 25.02.2023 and shown murdered in that fake encounter. On the basis of such story, he sought directions for registration of FIR against the police team, who had encountered with the alleged accused. His application has been dismissed by impugned order in view of ratio laid down in *Sughran Bibi's case reported as*

(PLD 2018 SC 595), which lays down that after registration of an FIR, second FIR in respect of the same incident is not allowed under the law, and if there is any version of the accused contrary to the one alleged in FIR, the same shall be recorded and investigated like FIR. The grievance of applicant is that he approached the Investigating Officer for recording his version of the events, but he did not pay attention to him.

In these facts and circumstances, by consent, this application is **disposed of** in the terms, whereby investigation of Crime No.143/2023 is entrusted to Abdul Qudoos Kalwar, now posted as DSP Site Area, Sukkur, who shall record statement of applicant and reinvestigate the matter and submit such report in accordance with law within one month.

Judge

ARBROHI