

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. S – 959 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case

1. For orders on office objections at Flag-A
2. For hearing of main case

19.02.2024

Mr. Riaz Hussain Khaskheli, Advocate for applicant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General along with Inspector Sadique Ali Abbasi (Ex-SHO, Police Station Khuhra), SIP Mir Muhammad Bhutto (IO of Police Station Khuhra) and SIP Ali Murad Narejo (SSP Office, Khairpur).

Statements have been filed on behalf of respondents No.2, 3, 4 and 5.

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Muhammad Iqbal Kalhoro, J. – It has transpired during hearing that the case (Crime No.41 of 2023, registered at Police Station Khuhra U/S 302, 120-B, 34 PPC), reinvestigation of which, applicant is seeking through this application, has already been challaned and pending before learned Additional Sessions Judge, Gambat, and hence, without the said Court on board, no order qua reinvestigation or further investigation can be passed. As, after the Challan is accepted by the Court and it takes cognizance of the offence against the accused named therein, if the complainant wishes to seek reinvestigation or further investigation, he shall have to approach the trial Court first for such purpose. Because, in case the trial Court passes such order and the report in respect of which is subsequently submitted, it would be effective in that the trial Court will be obliged to consider it. However, if in absence of the trial Court, such order is passed, the result of which would not be binding upon the trial Court and it can proceed with the matter on the basis of the Challan already submitted.

2. Realizing this legal position, leaned defense Counsel has not pressed this application and seeks permission to file an application before the trial Court for above purpose, which the learned Deputy Prosecutor General has not opposed.

3. Accordingly, this application is **disposed of as not pressed**. However, the application, if filed before the trial Court, for the purpose as above, it shall be dealt with and decided in accordance with law expeditiously.

J U D G E

Abdul Basit