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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Crl. Misc. Appln. No.S- 245 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

19.11.2012

Mr. Ali Nawaz Ghanghro, advocate for the applicant.  
Mr. Asif Ali Abdul Razak Soomro, advocate for respondents No.3,4 and 5.  
Miss Shazia Surahio, State counsel.

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Learned counsel for the applicant submits that Police should have submitted challan of the case under section 17 (4), Offences Against Property (Enforcement of Hadood) Ordinance, 1979, but police has submitted challan against accused under section 302, PPC. It is further submitted that learned Additional Sessions Judge, Kashmore without considering material available on record mechanically framed charge under section 302, PPC. He submits that, complainant intends to submit an application before the trial Court for amendment of the charge. It is also pointed out that learned Presiding Officer is Non-Muslim, if request is allowed, case may be transferred to learned Sessions Judge, Kashmore at Kandhkot for proceeding further in accordance with law.

Mr. Asif Ali Abdul Razak Soomro, learned counsel for the respondents submits that in the investigation offence under section 17 (4) Offences Against Property (Enforcement of Hadood) Ordinance, 1979 was not made and police had rightly submitted challan against accused under section 302, 324, 148, 149 PPC before competent court of law.

In the above circumstances, without touching merits of the case which may prejudice case of either party an opportunity be provided to the complainant to file an application before the trial Court for amendment of the charge. It would be for the trial Court to consider it in

accordance with law on the basis of investigation material available on record and application shall be decided within 15 days as it is pointed out that Additional Sessions Judge is Non Muslim, therefore, by consent, case is transferred to learned Sessions Judge, Kashmore at Kandhkot who will decide an application for amendment of the charge if filed within period of two weeks after hearing both parties, in accordance with law.

This criminal misc. application stands disposed of.

19.11.2022  
Judge

Abid Kazi/\*\*