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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Misc. Appln. No.S-16 of 2013.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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For further orders on enquiry report of trial Court.

For Hearing of M.A.No.416/2014.

11.11.2016.

Mr. Habibullah G. Ghouri, advocate for the petitioner.
Mr. Sarfraz Khan Jatoi, advocate for the complainant.
Mr. Khadim Hussain Khooharo, D.P.G.

Through listed application, the complainant prays for passing an appropriate order on the Enquiry Report submitted by the learned Sessions Judge, Shikarpur.

2. Facts necessary for the disposal of this application are that on 13.10.2012, complainant Muhammad Rafique lodged FIR bearing Crime No.109/2012 at Police Station Waleed under section 302, 395, 148, 149, PPC alleging therein that Police party including SHO Ghulam Hussain Chandio, ASI Ghulam Mustafa Attar (the petitioner) and others murdered his uncle, namely, Iqbal Khoso on 23.09.2012 in a fake police encounter.

3. After investigation SHO PS Waleed on 13.10.2012, submitted a summary before the learned III Civil Judge & Judicial Magistrate, Larkana, for the disposal of said FIR under 'B' Class. The learned Judicial Magistrate while disagreeing with the summary directed the SHO PS Waleed to submit fresh report on the basis of evidence available on record within fourteen days vide order dated 17.12.2012, which has been impugned by the present petitioner, who was nominated in the aforementioned F.I.R, in this Crl. Misc Application.

4. On 29.01.2013, by consent an order was passed by this Court in terms that the enquiry being conducted by SHO PS Waleed in compliance of order dated 17.10.2012, passed by Judicial Magistrate be supervised by Sessions Judge, Shikarpur, and the report shall be submitted by the enquiry officer within fifteen days before the Sessions Judge, who would also consider the fate of the FIRs as to whether the deceased was not absconder and as to whether there was any head

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money on the deceased recommended by the Home Department. The impugned order was modified to the extent that the enquiry shall be supervised by the Sessions Judge, who shall take all the measures and steps as required under the law.

5. Thereafter pursuant to order dated 29.01.2013, learned Sessions Judge, submitted his enquiry report on 13.02.2013 by annexing with it pamphlets as well as list of the cases pending against the deceased. Mr. Asif Ali Abdul Razak Soomro, the then counsel for the applicant on 22.10.2013 sought time go through the enquiry report as well as photographs of one dacoit Iqbal Khoso, who belongs to District Naushero Feroz, and stated to be still at large. Thereafter on 07.01.2014, when none was present for the applicant the enquiry report was taken on record with all just exceptions. On 24th February 2014, Mr. Soomro, was present and confirmed the fact that the dacoit, Iqbal Khoso, who belongs to District Naushero Feroz, is still at large and the matter was thereafter fixed for further orders. Mr. Soomro, however, submitted that the applicant was not in his contact and, therefore, he prayed that the office should be directed to issue notice to the applicant directly for the next date of hearing.

6. Heard learned counsel for the applicant, complainant and D.P.G.

7. It appears that the subsequent enquiry conducted by the SHO PS Waleed under the supervision of Sessions Judge, Shikapur, it has come on record that deceased Iqbal son of Qamber Ali Khoso, resident of Hussain Abad Mohalla, Larkana, was involved in 11 criminal cases out of which he was acquitted in two cases while in four cases he was declared as Proclaimed Offender. Out of remaining five cases, in one case he was shown as murdered. R & Ps of two other cases were burnt on eve of death of Ms. Bhutto, while R & Ps of remaining two cases were untraceable, however, no head money was fixed on the arrest of said Iqbal son of Qalandar Ali Khoso. Hence this report in fact confirms the observation of learned Judicial Magistrate, passed by him upon the report of SHO PS Waleed for disposal of the case under 'B' class. Therefore, SHO PS Waleed is directed to submit fresh report in Crime No.109/2012, in accordance with law before the Judicial Magistrate concerned.

Cri. Misc. Application stands disposed of.