

IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-8634/2018

Date _____
Order with signature of Judge _____

05.09.2019

Mr. Sami Ahsan advocate
Mr. Rozi Khan advocate
Mr. Abrar Ali Khichi, APG.

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Heard learned counsel for the parties. At this juncture it would be conducive to refer prayer clause which is that :-

"A. To rectify all the mistake committed from the police to prosecution and then from judicial side by setting aside all the corum non judice orders with direction to strictly follow the Muhammad Ramzan case reported in PLD 2010 SC 2010 585 s followed strictly in district east since year 2010.

B. To direct the police, public prosecutor, police surgeon, MLO and learned judicial magistrates to strictly follow provisions of section 53A, 164A, 164B, 174, 174A and 176 CrPC before accepting challan and also mandatory provision section 240-A r/w 365-C CrPC in the light of reporting judgments before framed charge.

C. To ratify the pending proceedings of sessions Case No.83/2018 arises out of FIR No.1/2018 u/s 302 PPC PS Gabol Town before learned Vith Additional Sessions Judge Karachi Central.

D. To allow the petitioners three judicial applications dismissed vide order dated 06.11.2018 by learned Vith Additional Sessions Judge Karachi Central."

2. Learned counsel for petitioner has challenged different orders passed by trial court viz. 01.09.2018 and 06.11.2018 whereby application with regard to transfer of case and application for calling of doctor who has examined the deceased in burns ward as well site inspection of the incident by the court. Further petitioner preferred application to call mobile data of the petitioner who is accused of murder of his wife. Admittedly he has been arraigned, after investigation charge has been framed, petitioner has no objection with regard to trial by the present trial court except the plea that case was

transferred by the District Judge illegally. Needless to mention that application for site inspection as well calling of witness (doctor) were rightly declined by the trial court and we are of the considered view same were at the premature stage. Petitioner being accused has his right to examine all the witnesses as DWs and trial court would be competent to decide the issue in juxtaposition of two stories narrated by respective parties. Besides petitioner will be competent to move application for site inspection after closure of prosecution side, if desires so. Accordingly instant petition is dismissed.

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