ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Misc. Appln. NO. S- 244 of 2012.

Dated	order with signature of hon'ble Judge.

1. For orders on office objection as flag A.
2. For Katcha Peshi.
3. For hearing of M.A No.2833/2013.

15.03.2013.

Mr. Nisar Ahmed Ghulam Hyder Abro, advocate for the applicant.

Mr. Riaz Ahmed Soomro, advocate for the proposed accused.

Mr. Naimatullah Bhurgri, State Counsel

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Learned counsel for the applicant submits that the FIR was lodged by the applicant against her husband who threatened her to kill in case she continued to perform her services at N.G.O at Jacobabad. Such FIR was registered as crime No.96/2012 before P.S Gudu U/S 424, 506/2 PPC.

Learned State Counsel at the very outset submits that the prosecution witnesses supported version of the complainant whereas the defence witnesses have opposed it.

Be that as it may, it appears that the I.O has recommended the case to be disposed of as cancelled 'C' class i.e. on account of insufficient evidence whereas in the impugned order in para No.3 it has been categorically observed by the Presiding Officer that I.O/Investigating Officer contended that the complainant has lodged false FIR against accused. This is totally contrary to the report that has been submitted. Once the I.O has recommended for the disposal of the case under 'C' class then it has to be based on sound principles of law in case the trial Court intend

to have it disposed of under 'B' class which is meant for a false case. Such is not borne out from the facts and the investigation that has been made and the recommendation that has been made by the I.O. Learned counsel conceded that impugned order deserves to be set aside though it is reluctantly opposed by the complainant's counsel.

Be that as it may, impugned order is totally contrary to the recommendation of I.O and even otherwise impugned order is not passed on any reasonable findings. The impugned order is therefore, set aside. The report may be submitted by the I.O for further proceedings.

JUDGE