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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Misc. Appln. No.S-417 of 2017

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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31.08.2018.

1. For orders on M.A. No.3930/18.
2. For orders on office objections.
3. For hearing of case.

Mr. Athar Abbas Solangi, advocate for the applicant.

Mr. Khadim Hussain Khooharo, Addl. P.G.

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Through instant criminal miscellaneous application, applicant has impugned the order dated 03.8.2017 passed by the learned Sessions Judge/Ex-officio Justice of Peace, Larkana, whereby the Criminal Misc. Application No.870/2017, filed by the applicant under Section 22-A(6)(iii), Cr.P.C, was dismissed.

The learned Counsel for the applicant states that on 20.4.2017, at about 8.30 p.m. applicant's brother deceased Aftab Ahmed left his house for his medical store situated in front of his house, while the applicant, her step brother Saeed Ahmed and nephew Sartaj Ahmed were available in the house of deceased and Mst. Zahida wife of deceased Aftab Ahmed was preparing tea; at about 8.45 p.m. they heard cries of Aftab Ahmed, Abdul Hameed and others, on which applicant along with Saeed Ahmed and Sartaj Ahmed came out of the house and found Abdul Hameed armed with pistol, which he was pointing towards deceased Aftab Ahmed and was asking the deceased to close his medical store. Then Abdul Hameed fired five shots of his pistol upon deceased Aftab Ahmed, who after sustaining firearm injuries fell down; he was taken by the applicant and others to Casualty Ward of CMC Hospital, Larkana, where he succumbed to injuries. Learned Counsel further submits that meanwhile Mst. Zahida appeared at the

*Mst.*

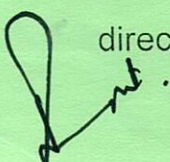
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hospital along with police and some private persons and forcibly took away dead body of deceased Aftab Ahmed from the hospital for burial and subsequently she (Mst. Zahida) conspired with her brothers and in collusion with police managed to lodge a false FIR bearing Crime No.20/2017 at P.S Civil Lines, Larkana, under Sections 302, 34, PPC, wherein she implicated the applicant's other real brother Shabir Ahmed along with accused Abdul Hameed in the murder of deceased Aftab Ahmed. Learned Counsel also submits that the applicant then approached the SHO of Police Station Civil Lines, Larkana for registration of second FIR of the incident as per her version, who after keeping her on false hopes refused and she also approached the SSP, Larkana with same request, but to no avail.

The learned Counsel for the applicant states that since FIR has already been got registered by the widow of the deceased, he does not press this petition for lodging of second FIR; however, submits that the SHO concerned may be directed to record the statements of applicant, her step-brother Saeed Ahmed and her nephew Sartaj Ahmed, who are the eye-witnesses, under Section 161, Cr.P.C and to submit subsequent report before the concerned Court.

The learned Addl. Prosecutor General records his no objection to the proposition of the learned Counsel for the applicant.

Considering the arguments of learned Counsel for the applicant and no objection recorded by the learned Addl. Prosecutor General, I allow this criminal miscellaneous application. The I.O. of Crime No.20/2017 of Police Station Civil Lines, Larkana, in case he is available on his duty or otherwise SHO of the said police station, is directed to record the statements of applicant and her above-named



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witnesses under Section 161, Cr.P.C and submit subsequent report before the trial Court in accordance with law.

This criminal miscellaneous application stands disposed of.

  
JUDGE

Qazi Tahir PA/\*