

ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Misc. Appln. NO. S- 01 of 2013.

Dated \_\_\_\_\_ order with signature of hon'ble Judge.

1. For orders on office objection as flag A.
2. For Katcha Peshi. \_\_\_\_\_

13.03.2013.

Mr. Abdul Rasheed Abro, advocate for the applicant.

Mr. Asif Hussain M. Nawaz Chandio, State Counsel.

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This is application U/S 561-A Cr.P.C challenged the order dated 25.08.2012 in terms whereof it was observed that no case is made out against the accused persons and learned Magistrate refused to take cognizance in the matter and disposed of the case under 'C' class on merits.

I have perused the order. It has been categorically observed that the I.O of the case failed to bring out the truth in this regard during investigation. Such observation is sufficient for the learned Magistrate to have directed the I.O to investigate the crime efficiently rather than to ask for disposal in 'C' class on account of alleged insufficient evidence. The I.O in terms of the order failed to investigate. Per learned counsel the marks of burnt is available at the site however, the burnt material was not available. Be that as it may, in view of such facts of the FIR the case could not be discarded due to lack of investigation as observed by trial Court yet disposed of as impugned order. Accordingly, the impugned order is set aside. Let investigation be made in this regard and report be submitted before the trial Court in accordance with law for further proceedings.

The application stands disposed of.

  
JUDGE