

ORDER-SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 1096 of 2015.

Date of hearing	Order with signature of Judge
16.10.2015.	

Mr. Sajid Hussain Mahessar, Advocate for petitioner

Mr. Abdul Hamid Bhurgri, Addl. A.G.

PDSP Muhammad Bachal Shaikh for SSP Kamber-Shahdadkot, SIP Karim Bux Chandio, SHO PS Warah and Syed Amir Hussain Shah, Election Officer Larkana.

Mr. Mushtaq Ahmed Korejo, Standing Counsel.

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Through instant petition, the petitioner has prayed as follows:-

- a) *That this Honourable Court may be pleased to direct the respondents to consider the request and submission of the petitioner and his form may kindly be accepted as he may be able to contest the Local Government Election in accordance with law;*
- b) *That this Honourable ...*
- c) *...*

2. The facts, describing necessary back-ground, are that petitioner filed his nomination form for seat of Chairman UC Gaibi Dero, Taluka Kambar Ali Khan; after scrutiny petitioner was declared as contesting candidate however on 23.9.2015 (after passing of appeal period) another list of rejected candidates was notified wherein nomination form of petitioner was shown to be rejected.


3. The perusal of the order of rejection of nomination paper of petitioner shows that *per Returning Officer* the petitioner was convict and absconder.

4. To have said question properly responded, the report was called from SSP Kambar and trial Court; and per reports, petitioner is not shown to be convict but involved in some cases.

5. Heard, the counsel for petitioner reiterated grounds, taken in petitioner. The AAG and DAG, when confronted with reports, conceded to petition.

6. Thus, it *prima facie* is evident that petitioner is not convict and mere involvement of one in FIR shall at the most dress him with status of 'accused' which (accused) is to be presumed innocent till he is convicted or otherwise declared by competent court of law. In short, ground of involvement of one in a criminal case shall not be enough to deprive him from exercising his guaranteed right to contest election.

7. In view of above, the order of the Returning Officer cannot be stamped being not in accordance with 'facts' hence nomination form of the petitioner was accepted by short order dated 16.10.2015.

  
Judge 26/10/2015  
Judge