

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Const. Petition No.D-07 of 2023

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For orders on CMA No.44/2023
3. For orders on CMA No.2980/2023
4. For hearing of CMA No.45/2023
5. For hearing of main case

20-09-2023

Mr. Sohail Ahmed Khoso, Advocate for the Petitioner  
Mr. Zulfiqar Ali Naich, Assistant Advocate General  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General

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**Muhammad Iqbal Kalhoro,J:-** Petitioner is accused in Crime No.271/2020, Police Station Shaheed Murtaza Mirani, u/s amongst others 302 PPC, has challenged a Notification dated 13.12.2022, available at page 25, declaring the said case to be inside jail trial under Sub-Section (2) of Section 15 of Anti-Terrorism Act, 1997. The case of the petitioner is that the case has been transferred to the ordinary court on his application u/s 23 of Anti-Terrorism Act, by this Court in Cr. Rev. Application No.15/2023, hence the impugned Notification under which the trial was declared to be held inside the jail is no more applicable. This legal position has not be contested by the other side and therefore learned counsel for the complainant submits that if the trial court is directed to proceed with the matter, he will produce all the witnesses including complainant for evidence.

In above facts and circumstances, and with the consent of the learned AAG/DPG we direct the trial court to proceed with the matter, despite presence of the impugned Notification which has virtually become infructuous and no more effective, and record the evidence of all the witnesses within a period of three months and submit the compliance report for a perusal in chamber.

JUDGE

JUDGE