

33

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Misc. Application No. S- 323 of 2023

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

01. For orders on office objection-A.
02. For hearing of main case.

26.02.2025.

Mr. Habibullah G. Ghouri, advocate for the applicant.

Mr. Mohammad Noonari, Deputy Prosecutor General, Sindh.

The applicant has invoked inherent jurisdiction of the court against the order dated 09-09-2023, passed by the learned 1st Judicial Magistrate K.N Shah, whereby he disagreeing with the opinion of the police, took cognizance of the case bearing crime No.5/2023, offence u/s 302, 504, 337-H(ii), 148, 149 PPC of PS Boriri against the accused.

Heard and perused the record.

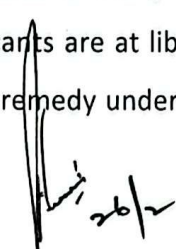
The investigation of a criminal case is an exclusive domain of the police. However, judicial independence is a fundamental tenet of a democratic system, the autonomy of investigative bodies is equally crucial to the concept of rule of law. Undue interference in each other's domain undermines the doctrine of separation of powers and significantly hampers the administration of justice. This principle has been equivocally affirmed by the Honorable Supreme Courts in the case of Muhammad Hanif V. the State (2019 SCMR 2029).

Admittedly, after framing of a formal charge against the accused by the learned court, the prosecution has succeeded to examine almost all the witnesses and the case is at the verge of conclusion. It would be appropriate that the applicant may seek redressal of their grievance from the learned trial court in

5-24/2

35

accordance with the law, as any factual determination made by this court at this stage may inadvertently prejudice the case of either party. There is no ambiguity in the settle principle of law that this Court under the inherent jurisdiction may quash the proceedings in appropriate circumstances. However, in the criminal jurisprudence, each case is factually distinct, and exercise of such extraordinary jurisdiction must be approached with judicial prudence and restraint. Therefore, in the prevailing circumstances, in which trial is about to conclude, the instant Cr. Misc Application is disposed of along with pending application(s), if any. However, the applicants are at liberty to approach the learned trial court and avail legal remedy under the law, if, they so advised.



J U D G E