

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

C.P No.D-1221 of 2024
C.P No.D-1222 of 2024
C.P No.D-1223 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
19.03.2025	

Ms. Fatima Zahara Ansari, Advocate for petitioner along-with petitioner.
Mr. Babar Ali Mirani, Advocate for respondent / accused Zahid Hussain.
Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh.
Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.
==

The three constitutional petitions have been filed requiring entertainment of applications of re-exhumation of dead body under section 173 and 540 Cr.P.C in respect to Crime No.61 of 2022 under sections 302, 201 PPC PS Nooriabad wherein in respect to petitioner’s daughter murder is alleged and an investigation has already taken place and the trial is being conducted. Learned counsel for the petitioner has referred to the Forensic Report coming-up in the matter whereby after the earlier exhumation acquired the Forensic Report specifies that the victim as pointed out to the said Forensic Lab is not matching with the DNA of the petitioner that is the father and the mother. We are however surprised to observe that the same specifies the deceased body as male. Mr. Babar Ali Mirani, has affected appearance contending that he is representing the accused in the matter before the Trial Court.

Learned APG as well as learned AAG on account of the forgiven observation extend their no objection to the said applications liable to be entertained by the said Courts wherein the complainant shall also be heard along-with the prosecution which is so ordered. Learned counsel affecting appearance had stated that the parties were aware of the facts some time ago and had failed to approach the proper Court. We have however preferred to pass the orders on account of the shocking discovery referred above which prima facie shows that the earlier investigation are faulty to the extent that they have prima facie got exhumation of the wrong body or the Forensic Report may be having phenomenal error / (s) therein. Whatever the case may be a proper re-exhumation order passed considering all the elements required consideration in the matter is found liable to be entertained. Accordingly it is directed that a fresh re-exhumation of the probable body / (s) be made out and DNA analysis as required is to be conducted for a fair and impartial investigation and trial as required in accordance with law.

All three constitutional petitions stand disposed of in the above terms.

JUDGE

JUDGE