

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constitution Petition No. D-293 of 2016
(Waheed Ali Kalhoro vs. SHO P.S, Waleed Larkana & others)

Date	Orders with signature of Judge
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Before

MR. JUSTICE ADNAN IQBAL CHAUDHRY.
MR. JUSTICE ALI HAIDER 'ADA'.

For hearing of M.A No.540/2020 (C/A).

27-01-2026

Nemo for applicant.

Mr. Liaquat Ali Shar, Additional Advocate General Sindh a/w SIP Allah Wadhayo of PS Waleed, SIP Ali Dost on behalf of SSP Larkana and ASI Amjad Ali of PS Sachal.

ALI HAIDER 'ADA', J.- This petition had already been disposed of by this Court vide order dated 16.08.2017, whereby the police functionaries were directed to continue the investigation, make sincere efforts to unearth the culprits, and submit an appropriate report before the trial Court, with due notice to the complainant reflecting the investigative efforts undertaken.

The grievance of the petitioner was that, despite lodging an FIR against unknown accused persons, the police finalized the case under "A" class without making diligent efforts to trace the offenders. In the said circumstances, the aforesaid directions were issued by this Court to ensure proper and meaningful investigation. Subsequently, on 11.02.2020, the Petitioner/complainant filed Criminal Miscellaneous Application No.540 of 2020 under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking initiation of contempt proceedings on the allegation of non-compliance with the order of this Court. In response thereto, the SSP, Larkana, along with other police officers, submitted compliance reports, asserting that a Joint Investigation Team (JIT) had been constituted and that earnest and continuous efforts were being made to apprehend the culprits.

A careful perusal of the material available on record reflects that the case was ultimately placed in "A" class by the police, treating the

matter as unresolved due to the accused remaining unidentified and untraced. As per the classification envisaged under Rule 219 of the Bombay Police Manual, Part III, cases are categorized into "A", "B", and "C" classes. The "A" class pertains to cases wherein the allegations are found to be genuine, but the accused could not be traced or identified despite reasonable efforts.

Furthermore, Rule 21.35 of the Police Rules, 1934, categorically provides that even where the offenders remain untraced, the case file is not to be closed permanently and must remain alive for future action. In addition thereto, Rule 27.39 of the Police Rules, 1934, mandates periodic and monthly scrutiny of such cases, thereby ensuring continued vigilance and review. These provisions clearly demonstrate that the law does not permit the outright abandonment of cases registered against unknown or untraced offenders, but rather obligates the police to adhere strictly to the prescribed procedural safeguards. For ready reference the same are reproduced as under:

Rule 21.35 (h) To co-ordinate and guide the efforts of police station staff throughout the district in securing the arrest of absconders and proclaimed offenders and in locating absentee bad characters, criminal tribesmen and other untraced persons and to maintain close co-operations with the C.I.As. of other districts in this work.

27-39. Monthly sorting. - (1) At the end of each month, or sooner if convenient, the cases in the upper row which are no longer pending investigation shall be sorted and divided into separate packets as follows:-

(a) All traced cases and untraced bailable cases, including cancelled cases.

(b) Untraced non-bailable cases, in which action under section 512, Code of Criminal Procedure, has not been taken.

(c) Untraced bailable and non-bailable cases in which action under section 512, Code of Criminal Procedure, has been taken.

In view of the foregoing facts and circumstances, it is evident that while the police are under a continuing duty to follow the relevant rules and procedure governing "A" class cases, there is no material available on record to suggest that the order of this Court has been willfully or deliberately violated. The reports submitted by the police authorities reflect compliance with the spirit of the directions issued earlier, albeit without achieving the desired result of tracing the culprits. Accordingly, no case for initiation of contempt proceedings is made out. Consequently, the instant contempt application is dismissed.

JUDGE

JUDGE

Irshad Ali M/Steno