

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

Criminal Miscellaneous Application No.S-179 of 2025

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
	1. For orders on office objections.
	2. For hearing of main case.
	3. For hearing of M.A. No.2333/2025.
	4. For hearing of M.A. No.4596/2025.

**11.05.2026**

Applicant is present.

Mr. Ayaz Hussain Tunio, Advocate for applicant along-with Mr. Imran Tunio.

Mr. G.M Laghari, Advocate for respondent No.4.

Mr. Shahnawaz Brohi, Advocate for intervener.

Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

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It is, inter alia, contended by the learned counsel for the applicant that the instant matter pertains to an “unseen offence” involving alleged murder of Mst. Shaheen, daughter of the complainant (Muhammad Saleem). The complainant lodged FIR No.79 of 2023 under Sections 302, 201, 203, and 34 PPC. It is further contended that although the matter was investigated on three occasions by different investigating officers, no clue could be traced. Subsequently, upon submission of the report by I.O/DSP Sirajuddin Lashari, the learned Magistrate took cognizance vide order dated 20.03.2025.

Paragraph 9 of the said order reflects that the learned Magistrate exceeded her jurisdiction by taking cognizance merely on the basis of assumptions and presumptions. While taking cognizance, the learned Magistrate implicated the complainant himself, namely Muhammad Saleem, father of the deceased Shaheen, as an accused. Moreover, no motive for such implication has surfaced on record.

Therefore, the impugned order is hereby **set aside**. Nevertheless, the investigating officer, DSP Sirajuddin Lashari, is directed to conduct further investigation by utilizing all available electronic and mechanical means, verify the fingerprints already collected, establish the motive, and gather circumstantial as well as any other tangible evidence, and thereafter submit a report under Section 173 Cr.P.C. before the learned Magistrate. Furthermore, the learned Sessions Judge, Hyderabad, is directed to transfer the instant matter from the file of the learned Civil Judge & Judicial Magistrate-IX, Hyderabad, to another Judicial Magistrate for passing appropriate orders in accordance with law on report under section 173 Cr.P.C when furnished by I.O.

Accordingly, the Criminal Miscellaneous Application stands **disposed of** in the above terms.

Let copy of this order be transmitted to learned District & Sessions Judge Hyderabad and DSP Sirajuddin Lashari for compliance.

JUDGE

Muhammad Danish