ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-872 of 2023

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

1. For orders on office objection (s)
2. For hearing of main case
3. For orders on stay application

18.11.2026

Mr.Siraj Ahmed Bijarani, A.P.G for the State

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None present on behalf of the applicants and no intimation has been received. However, I have perused the impugned order dated 16.10.2023, passed by the learned Civil Judge and Judicial Magistrate-IV, Hyderabad, whereby disagreeing with the final report submitted under "A" class in Crime No.38 of 2023 of Police Station Phuleli, Hyderabad, registered under Sections 324, 353 and 34 PPC and 25-A of the Sindh Arms Act, 2013, he took cognizance under Section 190(1)(b) Cr.P.C of offences under Sections 302, 147, 148 and 149 PPC against the applicants and others, all police officials, and sent up the case to the Court of Session.

The case arises out of an alleged police encounter of 28.03.2023 in which one Farhan Siyal was killed. The police version is that he was hit by the fire of his own companions while the police party returned fire. The version of his sister, the respondent No.9, supported by two eye witnesses, is that he was picked up by police officials, held for ransom and shot dead in a staged encounter. Learned Magistrate noted, among other things, that the post-mortem report shows the firearm injury on the back of the deceased, contrary to the police case and that no one in the police party was hurt and found a prima facie case against the police officials. The opinion of the police in its final report does not bind the Magistrate and the reasons he has recorded can neither be called perverse nor without basis.

Besides, the progress report dated 11.11.2026 received from the learned Model Criminal Trial Court-I, Hyderabad shows that the case, now Sessions Case No.54 of 2025, is pending trial, that the charge was framed on 12.07.2025 and that six prosecution witnesses have since been examined. The order of cognizance has thus been overtaken by the proceedings before the trial court and the pleas the applicants raise about the antecedents of the deceased and the falsity

of the counter version are matters for the trial. They remain at liberty to seek acquittal under Section 265-K Cr.P.C at the appropriate stage, if so advised.

The application is accordingly **dismissed** along with the listed application.

JUDGE

AHSAN K. ABRO