

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Rev. Appl. No.42 of 2022

<i>Date</i>	<i>Order with signature of Judge</i>
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- 1. For order on office objections
- 2. For hearing of main case

11.06.2024

Applicant in person.
Mr. Mumtaz Shah, APG. a/w PI Dildar Ali SDI Defence on behalf of
SDPO Defence.

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MUHAMMAD IQBAL KALHORO J: It is the case of the applicant that he has been arraigned in crime No.623/2021 u/s 365, 397, 34 PPC r/w section 109 PPC of P.S. Defence, Karachi on the basis of no evidence, hence his name was placed in column No.2 of challan by the I.O. but learned Magistrate took cognizance of the offence and joined him in the trial.

During arguments, it has been pointed out that in the trial evidence of complainant has been recorded. The applicant who is appearing in person has failed to point out any illegality in the impugned order. It is settled that Magistrate despite negative opinion of the I.O. can take cognizance of the offence and issue process against a person, who has been exonerated by the I.O. by making him accused in the case. If the applicant thinks that he has been arraigned in the case on the basis of no evidence, he may move an application before the relevant court either u/s 249-A or 265-K Cr.P.C as the case may be for his acquittal. No case therefore, for interference is made out. Accordingly, this Cr. Revision Application is dismissed. However, learned trial court is directed to expedite the trial and conclude it within a reasonable time.

The Cr. Revision Application stands dismissed.

JUDGE