

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D-747 of 2025

Date of hearing	Order with signature of Judge.
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Before:
Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Riazat Ali Sahar

Mr. Mir Muhammad Shaikh, Advocate for the petitioner.
M/s Agha Ather Hussain Pathan, Assistant AG & Gulzar Ahmed Malano,
Assistant PG for the State along with Dr. Masroor Zia, M.S, KMC Civil
Hospital, Khairpur, SIP Muhammad Ashraf Tunio, Investigating Officer,
Crime No.42 of 2025 of PS Babarloi Khairpur and SIP Ali Murad Narejo
on behalf of SSP, Khairpur.

Date of Hearing & Order: **21-10-2025**

RIAZAT ALI SAHAR J.- In compliance with order dated 07.10.2025,
the Medical Superintendent, KMC, Khairpur, is present and files a
statement along with certain documents, whereas the learned AAG files
statements on behalf of SSP, Khairpur, and the Investigating Officer. All
the statements are taken on record, and copies whereof are provided
to learned counsel for the petitioner.

Learned counsel for the petitioner contends that at the time of
the alleged accident, four persons were sitting in the car, out of whom
accused Muhammad Shaban was driving the vehicle. He submits that,
at the most, the alleged offence of accident pertains to the said accused
who was driving the car, whereas the remaining nominated accused in
the FIR have no nexus with the alleged offence. He further submits that
the Investigating Officer has submitted an interim challan wherein he
has wrongly nominated the three accused persons with mala fide
intentions and in collusion with the complainant.

The Medical Superintendent, KMC, Civil Hospital, Khairpur,
submits that the injured persons never attended the hospital for their

treatment or MLC certificates, and the medical certificates produced by the injured are non-MLC.

SIP Ashraf Ali Tunio, Investigating Officer in Crime No.42 of 2025 of Police Station Baberlo, is present and submits that the interim challan in the aforesaid case/crime has already been submitted in the competent Court of law, where proceedings are pending.

In view of the above, the instant petition along with listed application stands **disposed of** with directions to the Investigating Officer to conduct a fair and impartial investigation, consider the version of both parties, and thereafter submit the final report under Section 173, Cr.P.C., strictly in accordance with law. Upon submission of the report under Section 173, Cr.P.C., learned Magistrate having jurisdiction shall consider the stance of the accused persons at the time of passing an order under Section 190, Cr.P.C., in accordance with law. If the grievance of the petitioner still subsists, he shall be at liberty to approach the trial Court concerned by filing an application under Section 249-A or Section 265-K, Cr.P.C., as the case may be, for appropriate relief.

Let a copy of this order be transmitted to the concerned Magistrate as well as SSP, Khairpur for information and compliance.

JUDGE

JUDGE

Ahmad