

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S-416 of 2023

Applicant : Ameer Ali s/o Maher Ali Jamali through
Mr. Muhammad Sohail Jamali, Advocate.
Nemo

Respondent No.1 : SHO, P.S. B-Section, District Shaheed
Benazirabad

Respondent No.2 : Inspector/Investigation Officer,
Nisar Ahmed Mugharl, P.S. B-Section
District Shaheed Benazirabad

Respondent No.3 : The State
Nemo.

Date of Hearing/Short
Order : 14.10.2025

Date of Reasons : 15.10.2025

ORDER

JAWAD AKBAR SARWANA, J.: The applicant, Ameer Ali, filed this Cr. Misc. Appln. on 12.06.2023, but since then has remained absent. None has been present on his behalf, and no intimation has been received. On 14.10.2025, the same was the case and for reasons to be recorded, the revision application was dismissed. These are reasons for the said dismissal.

First, this matter has been pending in the docket for over two years now and as no one has appeared on behalf of the applicant, it appears that the applicant has lost interest. Hence, a valid ground is made out for its dismissal based on want of prosecution.

Second on merits, too, revision is liable to be dismissed as it has challenged the Orders passed by the two forums below, which have rejected the applicant's application to substitute the agency conducting the DNA testing of the applicant's sample from PMCH Nawabshah to Agha Khan University/Hospital. The applicant's contention is that the facility of DNA testing provided by the empanelled Government Laboratory will be biased; therefore, the DNA testing of the applicant's sample should be conducted by a private laboratory. Yet neither cogent grounds nor a reason for such an assertion are provided by the applicant

in the revision. Further, none was articulated or is found in the applications (available on record of this file) as filed before the two lower forums. Such applications seeking diversion from the normal practice cannot be whimsical and must be based on sound reasoning if they are to be seriously considered, especially when the investigation/alleged crime involves an FIR where the applicant has been charged under Section 364 PPC. Finally, when the application was filed, the results of the DNA lab test from the applicant's DNA sample had not yet been submitted to the trial Court. Hence, the application was premature on this count, as well. Indeed, the applicant will have the entire machinery under the Civil Procedure Code available to him once the results are submitted. He will have the opportunity to challenge the results then. Clearly, no reason has been made out. In the circumstances, the impugned orders passed by the trial Court and in revision before the District Court do not merit any intervention. The said Orders are legal and sound and liable to be sustained.

Given the above reasons, I dismissed the Cr. Misc. Applicant and the above are its reasons.

JUDGE

Tufail