

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

Criminal Miscellaneous Application No.S- 526 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA 9061/2025.
2. For hearing of main case.
3. For hearing of MA 6726/2025.

20.11.2025.

Mr. Shakir Nawaz Shar, Advocate for applicant.
Mr. Muhammad Sachal R.Awan, Advocate for respondent No.7.
Miss Safa Hisbani, A.P.G for State, files certain documents, taken on record.
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The applicant Abdul Rauf has challenged the order dated 17.07.2025 passed by 1st Additional Sessions Judge / Ex-Officio Justice of Peace, Jamhoro @ Kotri in Criminal Miscellaneous Application No.S-814 of 2025, dismissing his application for transfer of the I.O in change of the investigation in FIR No.13/2025 registered at P.S Loonikot under Sections 302, 392, 34 PPC.

2. The background of the matter is that on 13.06.2025 the applicant had moved an application before the DIG, Hyderabad for transfer of the I.O which application was forwarded to the SSP concerned. When the applicant did not receive any response from the police authorities, on 01.07.2025 he filed an application under Section 22-A(6)(ii) Cr.P.C. During the hearing of the *lis*, the learned Ex-Officio Justice of Peace called report from the DIG and SSP. It transpires that the DIG gave No Objection for transfer of the I.O. Nevertheless on 07.07.2025 the I.O. filed interim challan before the trial Court. Although the final challan was yet to be submitted, when the Ex-Officio Justice of Peace passed the impugned order dated 17.07.2025, it concluded that as the interim challan had already been submitted and the case was ceased by the trial

Court, applicant's request for transfer of investigation had lost its relevance. Accordingly, the application was dismissed for the said reasons.

3. During the course of arguments, the learned counsel for the accused / respondent No.7 has given his "No Objection", to this application for appointment of a new I.O provided a case is made out by the applicant in future on merits to the satisfaction of the trial Court for further investigation and/or re-investigation. Learned A.P.G has also no objection if this application is allowed in the said terms, notwithstanding that the previous I.O has already submitted final challan on 04.08.2025 and according to information the trial court has framed charge in August/September, 2025.

4. The bundle of police papers submitted by learned A.P.G are taken on record.

5. Given the above, the impugned order dated 17.07.2025 is set aside and above titled Application is allowed in the above terms.

JUDGE

Tufail