

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Appeal No.S-13 of 2024

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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19.08.2025

Mr. Ashfaque Ahmed Lanjar, advocate for the appellant.
Mr. Om Parkash H. Karmani, advocate for the complainant.
Mr. Shahzado Saleem, Additional P.G Sindh along with Mr. Javed Ali Abro Additional Secretary Home Department Government of Sindh, Mr. Asadullah Bhatti Additional Secretary Law Department Government of Sindh, Mr. Zaheer Abbas Deputy Secretary on behalf of Secretary Health Government of Sindh, Dr. Sandeep Kumar District Health Officer Mirpurkhas and Dr. Hemji Civil Surgeon DHQH Mirpurkhas.

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Amjad Ali Sahito, J: On the last date of hearing the following or was passed;

Learned counsel for the appellant has meticulously referred to the evidence adduced by the prosecution witnesses. He submits that, during the course of investigation, a hatchet was recovered from the possession of the appellant, which was found to be stained with blood. Additionally, the clothes of the deceased were taken into custody by the Investigating Officer. These articles, including the hatchet and the deceased’s garments, were subsequently sent to the Office of the Chemical Examiner for forensic analysis. As per the Chemical Examiner’s report, the said items were stained with human blood.

2. However, learned counsel has drawn attention to the fact that the report is silent as to whether the blood found on the hatchet pertains to the deceased. It is noted that in a large number of murder cases, Investigating Officers routinely recover alleged crime weapons and garments of both the deceased and the accused, which are often found to be stained with human blood. Yet, in most cases, the recovery memos merely record that the items are stained with human blood without identifying the source.

3. Following such recoveries, the articles are regularly forwarded to the Chemical Examiner, who almost invariably reports that they are stained with human blood, without clarifying whether the blood

belongs to the deceased or otherwise. This reflects a persistent lapse in the investigation process.

4. It is the fundamental duty of the Medical Officer concerned to collect blood samples of both the deceased and the accused to facilitate accurate forensic comparison. Had the Medical Officer obtained and preserved the blood group of the deceased and the accused, the Office of the Chemical Examiner would have been in a position to determine whether the blood on the crime weapon or garments matched either individual. This omission constitutes a serious lapse on the part of both the Investigating Officer and the Medical Officer.

5. In view of the foregoing, it is evident that the prosecution has failed to discharge its legal obligations in accordance with law and has conducted a deficient investigation. Such recurring investigative shortcomings have led to the acquittal of numerous accused persons by various courts of law.

6. Under these circumstances, there appears to be no alternative but to summon the Secretary, Home Department, Government of Sindh; Secretary, Law and Justice Department, Government of Sindh; and Secretary, Health Department, Government of Sindh to appear before this Court on the next date of hearing, i.e., 19.08.2025 at 09:30 A.M., along with proposals and/or notifications aimed at rectifying these systemic deficiencies. They shall ensure that, henceforth, all Medical Officers collect blood samples of both the accused and the deceased, and record the blood group of each in the post-mortem report. It shall also be the mandatory duty of the Chemical Examiner to state, in clear terms, whether the blood found on any weapon or article matches the blood group of the deceased or the accused.

2. In compliance with the foregoing order, the representatives of the respective Secretaries have appeared and submitted their compliance reports along with para-wise statements, which are hereby taken on record.

3. Upon examination of the compliance report submitted by the Secretary Health, Government of Sindh, it transpires that the Health Department, Government of Sindh, has duly notified the protocols and procedures pertaining to the collection and preservation of blood samples of both the accused and the deceased, to be adhered to by the Medical Officer/Medico-Legal Officer. The same are reproduced herein below:

a) Medical Officer / Medico-Legal Officer (MLO) must collect blood samples of both the deceased and accused to facilitate the Chemical Examiner to determine whether the blood on the crime weapon or garment matches with the accused or the deceased

b) The Medical Officer / Medico-Legal Officer (MLO) must also record the blood group of the deceased in the Post-Mortem report. The Chemical Examiner must also clarify whether the blood belongs to the deceased or otherwise

c) It is mandatory duty of the Chemical Examiner to state in clear terms whether the blood found on any weapon or article matches the blood group of the deceased or the accused

d) The above protocol/procedures are to be strictly followed failing which strict disciplinary proceedings shall be carried out against the delinquent.

4. Further directions were also conveyed to the concerned officer vide Notification dated 12th August, 2025, which is reproduced herein below:

In compliance with the directions of the Honourable High Court of Sindh, Circuit Court Mirpurkhas vide order dated 07.08.2025 in Criminal Appeal No. S-13 of 2024, and in order to address persistent deficiencies in medico-legal investigations of homicide cases, it has been observed that failure to collect and match blood samples from both the deceased and the accused results in incomplete forensic evidence, thereby weakening prosecution cases. Therefore, the following procedures / protocols are hereby notified for compliance in letter and spirit:

a) Medical Officer / Medico-Legal Officer (MLO) must collect blood samples of both the deceased and accused to facilitate the Chemical Examiner to determine whether the blood on the crime weapon or garment matches with the accused or the deceased

b) The Medical Officer / Medico-Legal Officer (MLO) must also record the blood group of the deceased in the Post-Mortem report.

c) The Chemical Examiner must also clarify whether the blood belongs to the deceased or otherwise. It is mandatory duty of the Chemical Examiner to state in clear terms whether the blood found on any weapon or article matches the blood group of the deceased or the accused.

d) The above protocol / procedures are to be strictly followed failing which strict disciplinary proceedings shall be carried out against the delinquent.

5. Further, this Court, while sitting at the Circuit Court Hyderabad, passed an order dated 21.03.2024. In consequence thereof, a notification was issued by the Office of the Secretary Health, whereby all Medical Superintendents of Government Hospitals were directed to countersign the Medico-Legal Certificates issued by the Medical Officers and Women Medical Officers of their respective hospitals.

6. The report submitted by the Additional Secretary, Home Department, Government of Sindh, reveals that a meeting was convened wherein representatives from the Office of the Prosecutor General, Sindh, along with representatives of the Secretary, Law, Parliamentary Affairs & Criminal Prosecution Department, Government of Sindh, participated. During the said meeting, copies of the “Mechanism for Pre-Trial Scrutiny of Charge Sheets and Post-Trial Scrutiny of Judgments” were shared, particularly concerning Murder Cases, Cases under the Control of Narcotic Substances Act (CNS), Gender-Based Violence/Anti-Rape Cases, and General Cases, together with relevant checklists. It was further apprised that various guidelines for Investigating Officers (IOs) and Prosecutors leading such trials, especially in matters concerning medico-legal and allied issues relating to investigation, had already been circulated.

7. The representative of the Health Department, Government of Sindh, also placed on record the protocols notified in compliance with the Order of this Court. Furthermore, a communication was addressed to the Inspector General of Police, Sindh, directing that

instructions be issued to all Senior Superintendents of Police (SSPs) and Investigating Officers (IOs) to ensure that, while preparing recovery memos of weapons and blood-stained clothes, the source of the blood must be specifically reflected therein, indicating whether the same pertains to the deceased or the accused. It was further directed that all blood-stained articles be preserved with due care and scientific methods so that blood tissue could be extracted for chemical examination without hindrance. The IOs were further instructed that their requisitions to the Chemical Examiner must invariably include requests for blood group testing of all samples collected, along with DNA testing where required. Moreover, the SSPs and IOs were reminded to strictly adhere to the Standard Operating Procedures (SOPs) circulated by the Police Department through letter No. 2510-55-AIGP/Ops-Sindh/S-II/2019 dated 21.05.2019, so as to ensure the submission of compact and comprehensive challans.

8. During the course of proceedings, it has also been observed that in several murder cases under investigation, the SSPs concerned have transferred Investigating Officers (IOs) without any cogent or justifiable reason, despite pendency of investigation in those matters. The representative of the Home Department, Government of Sindh, along with the Inspector General of Police, Sindh, shall ensure that no unnecessary or arbitrary transfers of IOs are effected. It has further been requested by the representative of the Home Department that appropriate directions be issued to the Inspector General of Police, Sindh, to the effect that once an IO is assigned to a murder case, he shall not be transferred except on the basis of serious and substantiated allegations. Additionally, this Court observed that it would be appropriate if the Inspector General of Police, Sindh, also passes necessary orders to the effect that in all murder cases, investigation shall be conducted jointly by two Investigating Officers.

9. Furthermore, Rule 25.17 of the Police Rules, 1934, unequivocally casts a statutory duty upon Gazetted Officers, including the Superintendents of Police, to assume cognizance of and maintain continuous supervision over investigations relating to cognizable offences. Such officers are bound to ensure that investigations are conducted with due diligence, strictly in

accordance with law, and that investigation reports are submitted promptly and properly before the competent judicial forum. The responsibilities of SSPs/Gazetted Officers extend to direct supervision of important cases, including personal inspection of the crime scene where circumstances so warrant. They are further obliged to review the challans (police reports under Section 173, Cr.P.C.), and, in consultation with the prosecuting officer, to ensure that the findings are properly scrutinized and that effective progress is secured in the judicial process. Moreover, SSPs/Gazetted Officers are under an obligation to identify and rectify any procedural lapses which may result in unwarranted discharge or acquittal. They must also ensure that investigations are conducted in a professional manner, that records are meticulously maintained, and that any impediment in the course of justice is promptly addressed.

10. In light of the notification issued by the Secretary Health, Government of Sindh, as well as the Secretary Home Department, Government of Sindh, all Civil Judges and Judicial Magistrates throughout the Province are hereby directed that, at the time of submission of the police report under Section 173, Cr.P.C. (challan), they shall ensure strict compliance with the said notification. Specifically, it must be verified that all Medical Certificates/Medico-Legal Certificates issued by the Medical Officers and Women Medical Officers have been duly countersigned by the Medical Superintendents of the respective hospitals, and that the certificates reflect the collection of blood samples of both the deceased and the accused, disclosing their respective blood groups, so as to enable the Chemical Examiner to determine whether the blood recovered from the crime weapon or other articles matches that of the deceased or the accused.

11. In the event of any omission or non-compliance with the aforesaid directions in the police report, the learned Judicial Magistrate shall be under an obligation not to accept the said report and shall direct the Investigating Officer to rectify and cure the illegalities and deficiencies committed therein. In the alternative, the learned Magistrate may issue a show-cause notice to the concerned Senior Superintendent of Police of the District,

the Investigating Officer, the Medical Superintendent, and the Medico-Legal Officer for violation of the order of this Court.

12. The Registrar of this Court is directed to circulate this order to all Civil Judges and Judicial Magistrates through the respective Sessions Judges for information and compliance.

13. Let a copy of this order be transmitted forthwith via fax to the Chief Secretary, Government of Sindh; Secretary, Home Department, Government of Sindh; Secretary, Law and Justice Department, Government of Sindh; Secretary, Health Department, Government of Sindh; Inspector General of Police, Sindh; and the Registrar of this Court, for information and necessary compliance.

To come up on 02.09.2025.

JUDGE

Adnan Ashraf Nizamani