

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Appl. No.S-221 of 2024
(Ali Nawaz vs. The State and others)

Applicant : Ali Nawaz son of Shah Muhammad through Mr. Shoib Niaz Khaskheli, Advocate

Respondents : The State, through Mr. Shafi Muhammad Mahar, Deputy Prosecutor General Sindh

Date of hearing : **12.01.2026**

Date of decision : **12.01.2026**

ORDER

Andan Iqbal Chaudhry J.- Applicant, as the complainant of Crime No. 210/2023, has invoked section 561-A Cr.P.C. to challenge order dated 23.04.2024 passed by the Additional Sessions Judge-II, Khairpur, dismissing his Criminal Revision Application No.15/2024 to maintain order dated 22.03.2024 whereby the Judicial Magistrate-II, Khairpur, had dismissed the Applicant's application under section 176 (2) Cr.P.C. for dis-internment of dead body of his uncle, Ghulam Qadir, to determine cause of his death.

2. Heard learned counsel and perused the record.

3. Before the Judicial Magistrate, it was contended by the Applicant that Ghulam Qadir was injured by accused persons by lathi blows and pistol butts during the incident reported vide FIR dated 07.06.2023, which eventually lead to his death on 04.08.2023. However, the FIR referred to was lodged only for the offence punishable under section 364 PPC i.e. for abduction of other inmates of the house, not the deceased. There is no record of any injury suffered by the deceased. As per the death certificate issued by the Medical Officer, KMC Civil Hospital, Khairpur, the deceased was admitted to hospital suffering from meningitis and expired due to cardiac arrest. In dismissing the application under section 176(2) Cr.P.C., the learned Judicial Magistrate also concluded that:

"(ix) The absence of post mortem report, medical letter for treatment, the presence of photocopy of medical test reports of different dates of the deceased Ghulam Qadir son of Rahib Khan and the presence of delay in recording 164 Cr.PC statements and in filing of the instant application

at hand under section 176(2) Cr.PC does not satisfy the maintainability of the instant application at the hand. The perusal of the record reveals that the instant application at hand appears to be a post-thought development in prosecution and in litigation between the parties. Nothing sufficient has been brought by the applicant/complainant which could prove reasonably on record that deceased Ghulam Qadir has died an unnatural death, and nothing substantial has been produced before the Court on record on the basis of which it would be argued that the allowing of this application would serve the purpose of justice”

4. The findings of the Judicial Magistrate as aforesaid, which were sustained by the learned Additional Sessions Judge in Criminal Revision, are based on appreciation of the record and are well-reasoned. Learned counsel for the Applicant is not able to demonstrate any error in the impugned orders. Consequently, this Criminal Miscellaneous Application is dismissed.

J U D G E

*M.Ali**