

ORDER SHEET

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

C.P. No. D – 101 of 2018.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>01.02.2018.</u>	

FOR KATCHA PESHI.

Mr. Iftikhar Ali Arain, Advocate along with the petitioner.

Mr. Muhammad Ismail Bhutto, A.A.G.

Syed Meeral Shah Bukhari, A.P.G.

Learned A.A.G. files parawise comments of respondents No.3 & 4 which are taken on record. Copy whereof has been supplied to learned counsel for the petitioner.

Through this petition the main grievance of the petitioner is that the petitioner has been involved in crime No.35 of 2017, registered under section 302, 311, 148, 149 PPC at Police Station Bandhi District Shaheed Benazirabad, and according to him the said crime has been thoroughly investigated by the Investigating Officer and submitted his report under 'C' class but the learned trial Magistrate did not agree to it. He further submits that the learned trial court while passing the impugned order whereby joining the present petitioner has not appreciated the point of view as given by the Investigating Officer of the case.

Learned A.A.G. and A.P.G. are present submit that crime No.35 of 2017, of Police Station Bandhi, has already been challaned and the learned trial court has already taken the cognizance, therefore, in view of the dicta laid down by Honourable Supreme Court in P.L.D. 2013 S.C. 401, this petition is not maintainable and liable to be disposed of.

Admittedly, challan has been submitted and the trial court has taken the cognizance, therefore, under the circumstances and in view of the case law relied upon by learned A.A.G. this petition is disposed of.

However, the petitioner would be at liberty to file any application before the trial court for his pre-mature acquittal and if such proceeding has been filed, the trial court shall decide the same in accordance with law.

JUDGE

JUDGE

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