

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI

Crl. Misc. Appl. No.284 of 2018

Date	Order with signature of Judge
	1. Hearing of main case. 2. For orders on reports of MIT-II dated 23.01.2019 and 28.01.2019.

26.02.2019

Mr. Manzoor Hussain Soomro, advocate for the Applicant.
Mr. Siraj Ali Khan Chandio, Addl. P.G.
Mr. Muhammad Farooq, Muhammad Hanif Samma, Abdul Husnain Advocates appointed as Amicus Curiae.
AIGP Legal Muhammad Habib.
SSP Manzoor, ACLC.
DSP Abdul Razzak Bugti, Pitharo, District Umerkot.
SIP Muhammad Dilshad, Addl. IGP, Karachi Office.
SIP Muhammad Aijaz P.S. Shershah, Karachi.
DSP Malik Sher Awan, SIU, Karachi.
P.I. Javed Anjum, Inv.-II, South.
P.I. Muhammad Ameen, SSP Inv..
P.I. Muhammad Baqar, Inv. Ferozabad, Karachi.
P.I. Muhammad Islam, District-II, South.

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SALAHUDDIN PANHWAR, J.: Pursuant to orders dated 19.12.2018, 24.01.2019 and 06.02.2019, AIGP Legal present in Court contends that he needs further time as a team of competent officers has been constituted who are required to update website with regard to 'A' Class cases, however, he contends that as per his information figures of 'A' Class in Karachi only will arise from one lac and in overall Sindh it will be more than 1.5 Lacs FIRs pending, yet criminal are to be arrested.

2. By earlier orders, IGP Sindh was directed to establish cells with regard to 'A' Class cases in every district of the Province of Sindh and ensure that culprits are arrested, however such report is not yet filed with this regard. At this juncture, Focal Person of SSP Investigation contends that Victim Supports Service Cell Program is working and such centers are established in Karachi which provide every assistance to the victim/complainant/aggrieved person. Accordingly, if such facility is provided then this Court appreciate the efforts of the Sindh Police, with further direction to establish **Victim Support Centers** in same fashion in every district of whole province of Sindh which

enable every complainant/victim/ aggrieved person to have redressal of their grievances. This, *however*, would not be taken as an exception to undeniable obligation of the police to unveil every single offender, therefore, I hope that positive steps shall be shown in achieving such obligation.

3. According to SSP ACLC, about 54,000 cases are pending in 'A' Class. Mr. Manzoor Hussain advocate for the applicant contends that in heinous cases, police department should ensure that if case is assigned to specific person (Investigation Officer) it should not unnecessarily be transferred, thereby he would be capable to complete his task. The suggestion appears to be reasonable and in line with purpose of *investigation* which, once initiated by an Investigating Officer, always begs for its *uninterrupted* completion. Thus, it is hoped that quarter concerned shall appreciate it while assigning investigations, particularly of heinous crimes. Whereas learned Magistrates shall examine file of A-class and steps taken by Investigation Officers, in case of any negligence, matter shall be referred to concerned authority.

4. With regard to the DNA reports, Focal Person contends that in cases, requiring DNA and cost thereon, there is mechanism according to that cost is to be paid by department directly to the laboratory, such practice is in field. Accordingly, such direction shall be circulated to all concerned police stations particularly Investigation Officers and such cost shall be specified, and allocated in lump-sum in every districts/ranges for DNA purposes. Needless to mention that no delay shall be caused with regard to payment of DNA cost.

5. At this juncture, Mr. Muhammad Hanif Samma advocate (*Amicus Curiae*) contends that this Court has framed Rules with the name of **Sindh Criminal Courts Rule, 2012**. He has produced that Book and contends that the same is also available on website. Upon query to the ranking police officials whether they are aware of these Rules? They reply in negative. Accordingly, issue notice to the Law Secretary with direction to submit report whether the Law Department is working on these Rules or there is any legislation? However, benefit shall be taken by every police officer as well Magistrates, hence IGP Sindh shall ensure that these Rules are

provided to every police station specially to the Investigation Officer. Learned MIT of this court shall ensure that all Magistrates of the Districts shall examine these Rules. Worth to make it clear here that while getting progress in matters of 'A' class, the victim/complainant/aggrieved person be not called on each and every date of hearing because their appearance is *legally* required on presentation of report under section 173(1) Cr.PC. However, exception may be taken if things so require during such process which, *however*, must be backed by reasons.

6. Learned District & Sessions Courts shall also ensure that they shall maintain the record (*per proforma*) as provided under the said refer Rules. Needless to mention that appearance of official respondents are not required before this Court, except AIGP (Legal) and Focal Person. However, they would be competent to call any officer to seek assistance in this regard.

To come up on **12.03.2019 at 11:00 a.m.**

J U D G E