

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Misc. Application No.341 of 2020**

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Date Order with Signature of Judge

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*For hearing of Main Case.*

**11.01.2022**

Mr. Muhammad Zareen Khan, Advocate for the Applicant.  
Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh along with S.I Sarfaraz Bhutto of P.S Madina Colony, Karachi.  
Mr. Jahanzeb Awan, Advocate for Respondents No.6 & 7.

*-x-x-x-x-x-*

Heard argument and perused record. Admittedly, the Magistrate while passing impugned order dated 07.09.2020 (annexure-A available at page-19 of the Court file) did not consider the submission note made by DDPP Karachi (West) (annexure-E available at page-57). The relevant page is 59 which reads as under;\_

**“Investigation Opinion:**

*Perused the police papers submitted by I.O of the crime. Record of police file shows that FIR has been lodged on application of complainant of the Kashif Iqbal moved to Honourable Court u/s 22-A Cr. P.C. in the contents of FIR the abduction of two persons namely Kashif Iqbal and Faisal Iqbal by some un-known accused persons and later stage the accused party were identified by the complainant and at the time of lodging of FIR, the complainant mentioned the named of Adnan and Irfan along with their companions committed the alleged offence. The IO failed to get record 164 Cr. P.C statements of the alleged victim before the Magistrate, nor the Identification process of the witnesses has been carried out by the IO in order to ascertain the real truth of the incident.*

*The investigation of crime conducted by the I.O seems to be in formal way and no extra ordinary efforts were made by the IO to thresh out the real truth regarding the offence/crime. As such the I.O has opined the case to be dispose of under “A” Class without any logic. The IO should have to carried out the further investigation of the crime and complete the defects of the investigation and then submit the report/challan of the crime before the Hon’ble court of law.*

*Keeping in view of the above facts and circumstances of the case/crime, and evidence collected by the I.O regarding the offence is respectfully submitted to the Honourable Court of Law for passing the appropriate summary orders and for further judicial verdict for its disposal according to Law.”*

Learned Assistant P.G, Sindh is also of the opinion that it will be appropriate for the parties to refer the matter to SSP concerned for assigning it to any senior-cum-honest police officer to re-investigate the case and conclude it within thirty (30) days' time, under intimation to this Court through MIT-II. Order accordingly.

It may be noted that the respondent, who are nominated in the FIR as an accused, were granted pre-arrest bail by the Court concerned; however, shall not be arrested or harassed unless the tangible evidence is collected. A copy of this order be communicated to SSP concerned, for compliance.

Instant Cr. Misc. Application stands disposed of in the above terms.

**JUDGE**

Zulfiqar/P.A