## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

Crl. Misc. Appln. No.765 of 2021

Date

Order with Signature(s) of Judge(s)

## Direction.

- 1. For order on M.A. No. 2786/2022.
- 2. For orders as to maintainability of Crl. Misc. Appln as well as M.A. No.13503/2021.

## 09.03.2022

Mr. Shaukat Khan, Advocates for applicant.

Ms. Rubina Qadir, DPG.

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- 1. Urgent application is granted.
- 2. Through instant Crl. Misc. Application, applicant-Ghulam Shabbir Malik S/o Peer Buksh/the complainant of Crime No.420/2021 registered at P.S. Preedy, Karachi under Section 188/380/506/504/149/147/337A(i)/511/448, impugned the order dated 11.10.2021, whereby the learned Judicial Magistrate-VIII, Karachi-South has taking cognizance upon the Charge Sheet No.429/2021 submitted by the I.O. of the aforementioned crime, wherein name of four accused persons; namely, Aziz s/o Tahir, Faizan s/o Magsood, Asim s/o Rasheed and Saim s/o Arshad have been placed in Column No.2 with red ink as absconder. The grievance of the applicant is that Nasir Baig shown as one of the PWs in the calendar of witnesses has played an active part and abated the crime committed by the co-accused persons; however, the I.O. instead of arresting him and putting him up for trial, has placed his name as witness.

Heard the learned counsel for the applicant, DPG and perused the material available on record.

It appears, prima facie, that no evidence was collected during the course of investigation by the I.O. against the said Nasir Baig; however, he has acted as witness in the case wherein F.I.R. has been lodged against unknown person. If at any stage of the trial a person appears to be involved in commission of alleged offence, the trial Court is competent to detain him for the purpose of trial as provided under Section 351, Cr.P.C. Hence, this Crl. Misc. Application being devoid of any merits is dismissed, accordingly.

JUDGE

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