

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3883 of 2022

Date

Order with signature of Judge

FRESH CASE.

- 1) For orders on CMA No. 16920/2022.
- 2) For orders on office objection No. 1.
- 3) For orders on CMA No. 16921/2022.
- 4) For orders on CMA No. 16922/2022.
- 5) For hearing of main case.

22.06.2022.

Mr. Zia Ahmed Awan along with S. Itrat Hussain Rizvi,
Advocates for Petitioner.

- 1) Granted.
- 2) To be complied before the next date.
- 3) Granted subject to all just exceptions.

4 & 5) Through this Petition, the Petitioner has impugned order dated 18.06.2022 passed by Judicial Magistrate-XX Karachi East in Criminal Misc. Application No. 01 of 2022, whereby, an application filed by Respondent No.7 under Section 174 read with section 176 of the Criminal Procedure Code has been allowed by directing the official Respondents to constitute a Medical Board for exhumation of body of the deceased father of the Petitioner. Learned Counsel for the Petitioner submits that the learned Magistrate was misdirected in passing the impugned order inasmuch as the application filed by Respondent No. 7 was not maintainable as he was a stranger to the proceedings in hand, whereas, the Petitioner and the family of the deceased had never requested for conducting an autopsy of the body at the time of burial. Per learned Counsel though notice was issued to the Petitioner; but no proper opportunity was provided and only verbal arguments were heard, which have not been responded to in the impugned order. According to him the impugned order does not fall within the ambit of Section 176(2) of the Criminal Procedure Code; hence, is liable to set-aside. He lastly submits that a Medical Board is being constituted; hence, urgency for passing an ad-interim order.

Let notice be issued to Respondents as well Advocate General Sindh and Prosecutor General Sindh for **29.06.2022**. Till then, the impugned order dated 18.06.2022 shall remain suspended.

J U D G E

J U D G E

Arshad/