ORDER SHEET

THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. Appln No.470 of 2020

Date | Order with signature of Judge

---

1. For Hearing of Main Case.
2. For Hearing of MA No.11270/2020.

13th January, 2021.

Mr. Muhammad Daud Narejo advocate for the applicant.
Mr. Siraj Ali Khan Chandio, Addl. P.G.

.....

Mr. Muhammad Ashraf Samoo, advocate files vakalatnama on behalf of respondent No.2; taken on record.

Heard learned counsel for the parties. It would be conducive to refer Para-6 of impugned order, which are that:

> "***6. The I.O has not brought police file with him from which it could be seen that he issued any notices to applicant/complainant for cooperation in investigation and producing the witnesses. The I.O has admitted that still he has not recorded the statement of PWs. It is also evidence that exhumation it also made with delay. The I.O has also submitted in his report that he recommended in his report to respondent No.2 for disposal of this case in 'C' class. It is surprising that without recording the statement of PWs I.O has recommended for cancellation of the case. In view of such circumstances and fact that complainant has lost his faith upon respondent No.5 hence, the respondent No.5 is directed to assign investigation of subject case to any other impartial and honest investigation officer of the same rank with directions to conduct further investigation, record statements of PWs u/s 161 and 164 Cr.PC statements and then submit final challan before concerned Magistrate. The application accordingly disposed off***".

Perusal of above reflects that learned District Judge being Ex-Officio Justice of Peace directed I.O to conduct investigation and to record statements. It is pertinent to mention that investigation can be carried out at any state, hence, direction are not unwarranted under the law. Accordingly, instant Cr. Misc. Application is dismissed. Needless to mention that on the pretext of investigation/inquiry no harassment shall be caused until tangible evidence is collected.

J U D G E

M.Zeeshan