

HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S-668 of 2021

Mr. Touseef Ahmed Chandio, advocate for applicant

Mr. Shahzado Saleem Nahiyoon, Additional P.G

Date of hearing & Order: 26.05.2023

ORDER

ADNAN-UL-KARIM MEMON, J.- Through instant Cr. Misc. Application, the applicant has called in question Order dated 12.03.2020, whereby report submitted by Investigation Officer under Section 173 Cr.P.C was approved and consequently F.I.R bearing No.34 of 2019 lodged by applicant at P.S Chhor under Section 302 & 34 PPC was disposed of under 'C-Class.

2. Facts of the matter are that applicant/complainant lodged the aforesaid FIR with the allegation that her daughter Shirimati Preman married with Pessu and on 07.2.2019 Saloo informed that their daughter had taken poisonous material, then they went to Government Hospital Umerkot and met with their daughter and on inquiry, she disclosed that she had not taken poison rather she had been given lathi blows by accused Saloo, Magho, Naroo and Smt. Banoo on which they (complainant party) noticed that blood was oozing from her/deceased's nose ; that on next date condition of her daughter became critical, as such she was shifted to Civil Hospital Hyderabad where she died. After registration of FIR investigation was carried out and finally I.O submitted disposal of aforesaid FIR under 'C-Class', which was approved by the learned Magistrate concerned vide impugned Order.

3. On 16.12.2022 this Court after hearing the parties had sent the matter to IGP Sindh with directions to assign the same to AIGP Ali Sher Jakhrani for carrying out reinvestigation of Crime No.34 of 2019 registered at P.S Chhor for offences punishable under Section 302 & 34 PPC and submit such report before learned Magistrate concerned for proceeding further in the matter in accordance with law.

4. In compliance of above directions report dated 30.01.2023 has been submitted by the SSP Ali Sher Jakhrani. The recommendations, given in the said report are reproduced below:

The reinvestigation team reinvestigated the case FIR No.34/2013 US 302/34 PPC of P.S Chhor District Umerkot thoroughly. We, under the supervision of your good self recorded the statements of the Complainant, P.Ws, RWs and visited concerned P.S, concerned District Headquarter Hospital Umerkot as well as the place of incident. We collected further evidences, medical records and interrogated respondents and have come to the conclusion that deceased Prema @ Premi w/o Peso took pesticide poison due to the intolerable behavior of her in laws. She would have been saved if immediately taken to the Hospital. She died only due to gross negligence of her in laws collectively. It is therefore, recommended that:

01. The following respondents may be challaned under section 322, 201 & 34 PPC for causing the death and concealing the actual facts in the final report u/sec 173 (i) Cr. P.C to the concerned Court of law.

- i. Salu s/o Dodo @ Hero*
- ii. Manghoo s/o Salu*
- iii. Peso @ Peshoo s/o Salu all by caste bheel r/o Village Haveli, Bheel, at present Mehmood Panhwar at Okraro Taluka & District Umerkot*

02. The following nominated respondents/accused in FIR may be discharged from the allegations and put their names in Column No.II in the final report U.S 173 Cr.PC:-

- i. Naru @ Narain Bheel s/o Anando Bheel.*
- ii. Shrimati Bannu w/o Naru @ Narain Bheel both r/o Village Yar Muhammad Jhinji old Mirpurkhas Taluka Hussain Bux Mari District Mirpurkhas*

5. Learned counsel for the applicant at the very outset submits that he would be satisfied, if this Criminal Miscellaneous Application is disposed of with directions to Investigation Officer to submit above report before Judicial Magistrate concerned for proceeding further in accordance with law. To this, learned Additional P.G raised no objection.

6. In view of above, captioned Criminal Miscellaneous Application stands disposed of with directions to Investigation Officer to submit the above report before Judicial Magistrate concerned for appropriate orders in accordance with law.

JUDGE

Sajjad Ali Jessar