

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-167 of 2024

(Jahan Khan Rind Vs. Province of Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on CMA No. 705/2024 (U/A).
2. For Orders on office objection.
3. For Orders on CMA No. 706/2024 (Ex./A)
4. For Orders on CMA No. 707/2024 (Stay/A)
5. For hearing of main case.

15-02-2024.

Mr. Rehmat Ali @ Ali Raza, advocate for the petitioner.

1. Granted.
2. Over ruled.
3. Deferred.

4&5. The facts in brief necessary for disposal of instant petition are that an FIR was lodged by one Allah Wasayo with PS Kandiyaro alleging therein the murder of his mother Mst. Rani at the hands of the petitioner and others. The petitioner being dissatisfied with the investigation by way of instant petition has sought for direction against the official respondents to constitute a Joint Investigation Team and withheld the submission of challan/report till completion of such investigation.

As per section 173 Cr.P.C, the report of investigation in shape of challan is to be forwarded to the Magistrate having jurisdiction within fourteen days from the date of recording First Information Report u/s 154 Cr.P.C by the Officer Incharge of Police Station or investigation. In the instant matter, the FIR of the incident has

recorded on 13-12-2023; it was two months back to filing of instant petition; naturally the requisite report u/s 173 Cr.P.C might have been forwarded by the police to the Magistrate having jurisdiction after completion of the investigation. In that situation, directing the official respondents to constitute a Joint Investigation Team to conduct fresh investigation of the case that too at the instance of accused party would be unjustified.

In case of *Bahadur Khan Vs. Muhammad Azam & others* (2006 SCMR 373), it has been held by the Apex Court that:

“system of reinvestigation is recent innovation which is always taken up at the instance of influential people for obtaining favorable report, which in no way assist the Court in coming to a correct conclusion rather create more complication in way of administration of justice”.

In view of the facts and reasons discussed above, the instant petition fails and is dismissed in limine directing the petitioner to prove his innocence by joining the trial, if so is advised to him.

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