

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 222 of 2024

(*Naimatullah Mubejo Vs. P.O Sindh and others*)

Present;

Irshad Ali Shah, J

Zulfiqar Ali Sangi, J

Fresh case

1. For orders on CMA No.931/2023 (U/A)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.932/2023 (Ex.A)
4. For hearing of main case

06-03-2024

Mr. Pervez Ali Maitlo, Advocate for the Petitioner

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1. Urgency granted.
2. Overruled.
3. Granted subject to all just exceptions.
4. The petitioner by way of instant petition has sought for reinvestigation of the case outcome of FIR No.182/2021 u/s 302, 504 and 34 PPC of P.S Darya Khan Mari. The reinvestigation of the case, after expiry of four years, that too at the instance of the petitioner, who is one of the accused in the said case apparently is appearing to be an attempt on his part to defeat the trial, as such, it could not be ordered in peculiar circumstances of the case.

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 above, the instant petition fails and it is dismissed in *limine* directing the petitioner to prove his innocence at trial, if so is advised to him.

Judge

Judge