

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P No. D – 2053 of 2024

Date of hearing	Order with signature of Judge
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Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

24.12.2024

Mr. Atta Hussain Chandio, Advocate along with petitioner

Mr. Saeed Ahmed Wassan, Assistant Advocate General

Mr. Khalil Ahmed Metlo, Deputy PG for State

Respondent No.7/Complainant Ghulam Akbar alias
Muhammad Akram present in person

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Learned AAG Sindh files statements on behalf of respondents No.4
and 6, taken on record.

Through this petition, the petitioner/accused has sought for the
following relief(s):-

(a) To direct the respondent No.6 namely Abdul Qudoos
Kalwar DSP posted at CTD Sukkur to conduct the
investigation of FIR bearing Cr. No.92/2024, u/s 324,
147, 148, 337-H(ii) PPC of PS Faiz Ganj, District
Khairpur on merit as per directions of letter
No.RDR/1928-30/2024 dated 24.09.2024 and submit
such report before the concerned Courts.

(b) To grant any other relief, which this Honourable Court
deems fit and proper in circumstances of the case.

Learned counsel for the petitioner submits that petitioner moved an
application in terms of Section 18(4) of Police Order, 2002 before DIG
Police Sukkur, who after constituting a Committee ordered for transfer of
investigation of the above FIR to Mr. Abdul Qudoos Kalwar, DSP (CTD),
Sukkur vide Order No.R/CR/-2873-74/2024 Sukkur dated 20.09.2024;
however, the Investigating Officer had already submitted the challan,
therefore, the orders passed by DIG Police Sukkur were not complied

with. He, therefore, submits that in terms of order recommended by the Board headed by DIG Police Sukkur, the investigation of captioned Crime may be transferred.

Learned AAG and Deputy PG assisted by the Officer present submit that the captioned FIR has been challaned and at the moment the case is pending trial before the Court of Additional Sessions Judge, Mirwah, where it is pending for framing of the charge against the accused/petitioner. They, therefore, submit that since the trial Court has taken cognizance of the offence and at this belated stage investigation cannot be assigned to any other officer and in case, it may be given as recommended will not gain any fruitful result, hence pray for dismissal of the instant petition.

Since after thorough investigation charge sheet / challan of the case has been submitted before the Court having jurisdiction. The Magistrate after completion of legal formalities submitted the case before the Court of Sessions being ultimate Court of trial. Later it has been assigned to Additional Sessions Judge, Thari Mirwah (trial Court). The trial Court after taking cognizance has fixed it for framing of charge. Hence, at this belated stage, it will not gain fruitful result. Accordingly, instant petition being devoid of merits is hereby dismissed with no order as to costs.

Judge

Judge

ARBROHI