

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. MISC. APPLICATION NO.661/2021

Date

Order with signature of Judge

21.11.2022

Mr. Iftikhar Ali advocate for applicant.

Mr. Muhammad Naeem Memon advocate alongwith respondent No.3.

Mr. Zahoor Shah, APG with I/O / SI Muhammad Iqbal Tanoli.

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Prima facie facts of the case are deceased Dr. Irshad Sheikh aged about 40 years had contracted marriage with accused/respondent No.3, from that wedlock there are two issues; deceased was residing with accused and her children and was not having any illness; on 06.02.2021 accused Abdul made a phone call to the nephew of complainant informing that Irshad Shaikh had got unconscious, just after some time he informed that she was dead. On such information PW-Abdul Rauf reached at the house of accused and asked him for taking the deceased to hospital but accused did not let him do so. Subsequently, accused took her to her native place Gambat, Kherpur for the burial. On the way when they reached near Dar-us-Sehat Hospital, PW- Abdul Hakeem went and contacted with the Hospital administration for seeking the death certificate, they asked him for the examination of body of the deceased, but the accused, for the unknown reason, refused to take the dead body to hospital thus accused did not get the dead body examined nor even received death certificate. At the time of Ghusal/ablution, daughter of complainant namely Gul Bano found the marks of maltreatment on the body of deceased.

2. At the outset counsel for complainant contends that though three mobile phone numbers were provided to the I/O but he failed to get forensic of those mobiles and CDR.

3. Admittedly FIR in question was cancelled in C-class. Needless to mention that if any fresh evidence comes on record matter may be placed before the Magistrate by the investigation officer; though at present there was no sufficient evidence, therefore learned Magistrate rightly concurred with the opinion of the investigation officer and accepted C-class report. I/O present is being directed to record further statement of the complainant. If he provides any fresh evidence or any detail of mobile phones, that instigation shall be carried in view of forensic/CDR.

Disposed of.

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