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**THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**Criminal Misc. Application No.S-396 of 2024**

Applicant: Ameeque Zaman alias Muhammad Ameeque  
Zaman son of Hafiz Habib Rehman Makhdoom  
through Mr. Rafique Ahmed K. Abro, Advocate.

Complainant: Manthar Ali Solangi, present in person.

The State: Through Mr. Nazir Ahmed Bhangwar, Deputy  
Prosecutor General, Sindh.

Date of hearing: 24.02.2025

Date of Order: 24.02.2025

**ORDER**

**KHALID HUSSAIN SHAHANI, J.-** Through this Criminal Miscellaneous Application, the applicant has assailed the Order dated 26.10.2024, passed by learned Civil Judge and Judicial Magistrate-I, Dokri in Criminal Summary No.24/2024, emanating from F.I.R. No.43/2024, registered under sections 302, 114, 148 read with 49 P.P.C of Bakrani Police Station, whereby the learned Magistrate by disapproving the report filed by Investigating Officer for disposal of the case in "C" Class, took cognizance of the offence.

2. It is *inter alia* contended by learned counsel that the applicant is innocent and has nothing to do with the alleged offence; that after recording further statement of the complainant and going through the postmortem report, the Investigating Officer recommended the case for its disposal under "C" Class as the postmortem report depicted the death of the deceased as natural death, therefore, impugned order may be set aside and instant Criminal Miscellaneous Application may be allowed.

3. Pursuant to notice, complainant of the case is present in person and submits that initially he was under the impression that the deceased may have been murdered by the accused, but after going through the postmortem report, he has exonerated the present applicant/accused.



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4. On the other hand, learned Deputy Prosecutor General has supported the impugned order and submitted that it is matter of investigation wherein serious allegations have been leveled against the applicant/accused, therefore, this application may be dismissed.

5. Heard learned counsel for the applicant, complainant in person, learned Deputy Prosecutor General and perused the material available on record with their able assistance.

6. Admittedly, the learned Magistrate took the cognizance of the case on the basis of postmortem report; however, per opinion of the Medical Officer, cause of death was undetermined. The complainant, present in person, also conceded that due to misunderstanding he had lodged the F.I.R. against the applicant/accused otherwise there was no substance in the verdict mentioned in the F.I.R. The perusal of the final medical certificate depicts that cause of death was due to cardio respiratory arrest (natural death). *Prima facie* it reflects that learned Magistrate has taken cognizance in a mechanical manner by not considering the facts and circumstances of the case and also by not going through the final medical report. Resultantly, this Criminal Miscellaneous Application is allowed, the impugned order dated 26.10.2024, passed by learned Civil Judge and Judicial Magistrate-I, Dokri is set aside.

Criminal Miscellaneous Application stands disposed of in the above terms.



Sd/-  
Khalid Hussain Shahani  
Judge 24/12/25