

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Present:-

Mr. Justice Muhammad Iqbal Kalhoro, J.
 Mr. Justice Shamsuddin Abbasi, J.

C.P. No.D-1799 of 2020

Muhammad NaveedPetitioner

Versus

The Province of Sindh,
 & othersRespondents

Date of hearing: 08.09.2020

Date of order: 08.09.2020

ORDER

Muhammad Iqbal Kalhoro, J. Petitioner, Muhammad Naveed, who is complainant in FIR bearing Crime No.594/2019, u/s 395, 170, 171 PPC, registered at Police Station Gulistan-e-Jahur, Karachi, has filed this petition seeking transfer of investigation, arrest of absconders, filing of fresh charge sheet in the trial court, and transfer of the case from District & Sessions Court, Karachi East to another court. It is apparent from the above that investigation has already been concluded and the challan has been submitted and currently the trial is pending before District & Sessions Court, Karachi East.

2. We have heard learned counsel over maintainability of the petition for the reliefs sought for, he has submitted that proper investigation was not conducted in the case and some of the material witnesses have not been made prosecution witnesses, which is going to seriously prejudice outcome of the trial against petitioner.

3. There is no cavil to the proposition that investigation continues till a logical conclusion of the case and in certain circumstances reinvestigation of the case can be ordered. However, it is to be done only when it is shown that first investigation was compromised against the party seeking reinvestigation. If, however, any party seeks reinvestigation of the case after submission of the challan, permission of the trial court in this regard would be obligatory and for this purpose a proper application could be moved before the trial court or with its permission before the police

authority having powers to order reinvestigation. Petitioner's direct approach to this Court for the said reliefs is premature and incompetent as the trial court seized with the matter has the jurisdiction to redress his such grievances and to order arrest of absconders, which petitioner is seeking through this petition. Further, if the petitioner has any apprehension to his life, he could resort to a due course of law in this regard by approaching a proper forum. No justification has been cited for withdrawing the case from the file of learned District & Sessions Court, Karachi East and transfer it to some other court either. It is also not clear why the petitioner has not filed a direct complaint in the wake of faulty investigation and is seeking reinvestigation almost after a year of submission of the challan. Therefore, the petition for the reliefs sought for here is not maintainable at this juncture and is accordingly dismissed along with pending applications. The petitioner may avail a remedy before the proper forum in accordance with law.

Petition stands disposed of in above terms along with pending applications.

JUDGE

JUDGE

Rafiq/P.A.