

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Cr.Misc.A.No.203 of 2023

Zakariya Nasib .....Applicant

Vs.

The State and others .....Respondents

1. For orders on office objection
2. For hearing of main case

**18.11.2024**

Mr. Sohail Abdur Rehman, advocate for the applicant.  
Mr. Shafique Ahmed, advocate for the respondent No.5.  
Ms. Amna Ansari, Addl. P.G.

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**ORDER**

**Muhammad Iqbal Kalhoro, J:-** Applicant, who was accused in FIR No.09/2023, U/s 420,468,471,380, 34 PPC, P.S. Bahadurabad, District East Karachi, which has been disposed of under C-Class vide impugned order dated 22.03.2023 has filed this application challenging the same.

2. I have heard the learned counsel for the applicant, who states that investigating officer had disposed of the case under B-Class but the Magistrate converted disposal from B-Class to C-Class, which is not sustainable in law. Learned Addl.P.G. on the other hand has supported the order so also learned counsel for the complainant, who is respondent No.5.

3. I have heard the learned counsel for the parties and perused the material available on the record.

4. It is prerogative of the Magistrate to go through the material collected during investigation and base his opinion on regarding disposal of the case for either B-Class or C-Class. In this case, the Magistrate after going through the material has opined that there is insufficient material to connect the accused in the commission of the offence and has therefore, disposed of the case in the C-Class. No material has been produced or postulated by defence counsel to make an opinion otherwise than determined by the Magistrate, hence no case for interference is made out and this criminal miscellaneous application is accordingly dismissed.

JUDGE