

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P No.D-3550 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
1. For hearing of MA 19825/16	
2. For hearing of main case	

02.10.2019.

Mr. Muhammad Jamil Ahmed, Advocate for petitioner.

Mr. Rao Faisal Ali, Advocate for respondents No.4,6 and 9.

Mr. Allah Bachayo Soomro, A.A.G.

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Petitioner has challenged the order dated 21.11.2016, whereby his F.I.R. bearing Crime No. 62 of 2016 registered u/s 147, 148, 149, 395, 506(ii) PPC at P.S Umerkot was disposed of under “B” class.

Learned counsel for petitioner at the very outset has submitted that he would not press this petition if the disposal of the case of the petitioner is converted from ‘B’ class to ‘C’ class as the impugned order and the investigation show that the sufficient evidence was not found to refer the matter for the purpose of trial u/s 173, Cr.P.C, which will make the case to be of insufficient evidence rather a false one.

On the other hand, learned counsel for respondents / accused has submitted that the accused are real brothers of petitioner and there is dispute over property between them. However, he has not been able to controvert that mainly the case was disposed of due to insufficient evidence.

Learned Additional Advocate General Sindh has also supported this fact and has submitted that he has no objection if the disposal of the case is converted from ‘B’ class to ‘C’ class.

Accordingly, in view of discussion made hereinabove, the disposal of F.I.R. bearing Crime No. 62 of 2016 of P.S Umerkot is made under ‘C’ class instead of ‘B’ class as ordered by the learned Judicial Magistrate and in these terms this petition stands disposed of along with listed application.

JUDGE

JUDGE