

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No.D-5547 of 2022

Date	Order with Signature(s) of Judge(s)
------	-------------------------------------

PRIORITY.

1. For order on office objection.
2. For hearing of CMA No.23681/2022
3. For hearing of main case

19.04.2023

Mr. Naveed Ahmed Baloch, Advocate for Petitioner.

Learned counsel for the petitioner has challenged the order dated 06.09.2023 passed by the Special Court No.II (C.N.S.) Karachi whereby the Investigation Officer has been changed and fresh samples of the narcotics have been ordered to be taken in accordance with law. This order has been passed much before any evidence was led, whatsoever, in the case. Learned counsel for the Petitioner has relied on an unreported judgment of Supreme Court passed in Cr. Appeals No.81-L & 82-L of 20217 in the case of ***Muhammad Naeem v The State.***

We have gone through the aforesaid judgment and find that it is not relevant to the particular facts and circumstances of this case as in the cited case trial had been completed and the appellant had been convicted and the appellant court had remanded the case back for the purpose of fresh samples of recovered narcotic which is an unnecessary procedure and not permissible under the law in order to fill the lacunas in prosecution case. In this case the trial court after framing the charge found that the investigation was defective and therefore has taken the steps to ensure that the investigation process is carried out in accordance with law.

Keeping in view large amount of recovery i.e. 38 k.g. narcotic we find no legal infirming in the impugned order and as such the instant petition is hereby dismissed along with pending applications.

JUDGE

JUDGE