

Form:HCJD/C-121  
**JUDGMENT SHEET**

**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**W.P. No.3261/2013**

**MUHAMMAD AKRAM**

*VERSUS*

**IRSHAAD MEHMOOD, ETC**

Petitioner by : **Sardar Arshad Mahmood Khan, Advocate**

Respondents by : **M/s Mazhar Akram Awan and Mirza Irfan Ghazanfar, Advocates**  
**Mr Rabi Bin Tariq, State Counsel.**  
**Mr Azhar Mehmood, S.I.**

Date of Hearing : **16-09-2020**

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**ATHAR MINALLAH CJ**: Through this petition, the petitioner has assailed order, dated 19.06.2013, passed by the learned Additional Sessions Judge-East, Islamabad.

2. The facts, in brief, are that pursuant to registration of a criminal case i.e. FIR No.187 dated 19.07.2011 at Police Station Sihala, Islamabad, investigations were completed and report under section 173 of the Criminal Procedure Code, 1898 (hereinafter referred to as the "**Cr.P.C**") was filed by the Investigating Officer before the competent court. The learned Judicial Magistrate vide order, dated 22.02.2013 held that the matter pertained to the jurisdiction of the learned Special Judge Central. The revision petition

filed by the respondents was allowed by the learned Additional Sessions Judge-East, Islamabad vide impugned order, dated 19.06.2013. Charge was framed on 05.09.2013.

3. The learned counsel for the petitioner has contended that; it was unambiguously mentioned in the FIR that the concerned revenue officer was involved in commission of the alleged offence; the learned Judicial Magistrate had rightly held that the trial pertained to the jurisdiction of the learned Special Judge Central; the learned revisional court had failed to take into consideration the crucial fact that mere submission of report under section 173 Cr.P.C could not have been treated as a valid ground for allowing the revision petition.

4. The learned counsels for the respondents, on the other hand, have argued that report under section 173 Cr.P.C was submitted after completion of investigations wherein commission of the alleged offences were not attributed to the revenue officials; the basis of determination of jurisdiction of the court was the report under section 173 of Cr.P.C and not the contents of the complaint or the FIR.

5. The learned State Counsel has adopted the arguments raised by the learned counsels for the respondents.

6. It is an admitted position that charge was framed vide order, dated 05.09.2012. It is also not denied that on conclusion of investigations, report under section 173 of Cr.P.C was submitted before the competent court. It was concluded by the Investigating

Officer, contrary to the assertion made in the FIR, that no offence was committed by the concerned revenue officer. The learned counsel for the respondents has rightly pointed out that the basis for determining the jurisdiction of a court was not what had been alleged in the FIR. The jurisdiction was to be determined in the light of the report submitted under section 173 of Cr.P.C. The learned counsel for the petitioner has emphasized <sup>that</sup> the matter was not properly investigated by the Investigating Officer and, therefore, he has asserted that the respondents were illegally favoured. It is settled law that courts do not interfere in matters relating to investigations nor the conclusions drawn by the Investigating Officer. In the instant case charge was framed in the light of the report under section 173 of Cr.P.C and admittedly, the concerned revenue official has not been arrayed as an accused. No legal infirmity has been pointed so as to interfere with the impugned order.

7. In the light of the above discussion, this petition is without merit and, therefore, accordingly dismissed.

**(CHIEF JUSTICE)**

*\*Asif Mughal/*