

972 S C M R 335

**Present :Hamoodur Rahman, C. J., Muhammad Yaqub Ali,
Waheeduddin Ahmad and Salahuddin Ahmed, JJ**

MUHAMMAD AKBAR-Appellant

versus

THE STATE AND ANOTHER-Respondents

Criminal Appeal No. 18 of 1972, decided on 22nd June 1972.

(On appeal from the judgment and order of the Lahore High Court, dated the 10th September 1971, in Criminal Miscellaneous No. 10/Q of 1971).

(a) Criminal Procedure Code (V of 1898), Ss. 190(1)(b) & 173-Magistrate could, irrespective of opinion of Investigating Police Officer, take cognizance, if upon materials before him he finds prima facie case made out against accused.

Falak Sher v. State P L D 1967 S C 425 ref.

(b) Criminal trial-Charge-sheet-Nothing in Criminal Procedure Code debars Police Investigating Officer from submitting fresh report in supersession of his earlier one either on his own initiative or on direction of superior police officer (e.g. Senior Superintendent of Police)-Criminal Procedure Code (V of 1898), Ss. 173 & 551.

Muzafar Ahmad, Advocate Supreme Court instructed by Maqbool Ahmad, Advocate- on-Record for Appellant.

M. A. Bajwa, Advocate Supreme Court instructed by Ejaz Ali, Advocate-on-Record for Respondents.

Date of hearing : 272nd June 1972.