

**2008 Y L R 2017**

**[Lahore]**

**Before Tariq Shamim, J**

**Messrs SHAMIM BIBI---Petitioner**

**Versus**

**ADDITIONAL SESSIONS JUDGE, LAHORE and another---Respondents**

Writ Petition No.702 of 2008, decided on 13th May, 2008.

**Criminal Procedure Code (V of 1898)---**

---Ss.22-A(6) & 22-B---Constitution of Pakistan (1973), Art.199---Constitutional petition---  
Addition of offence---Jurisdiction of Ex-Officio Justice of Peace to order addition of offence--  
--Petitioner had challenged order of Ex-Officio Justice of Peace whereby on the petition filed  
by respondent in terms of Ss.22-A/22-B, Cr. P. C., the Investigating Officer was directed to  
insert sections 365-B, 324, 34 & 109, P. P. C.---Validity ---Ex-Officio Justice of Peace could  
not make any observation with regard to the nature of offence or direct addition or deletion of  
a penal provision as same exclusively fell within the domain of Investigating Officer before  
the challan was submitted; and thereafter the Trial Court which was fully competent to add  
any offence, if made out from the F.I.R. tendered in terms of S.173, Cr.P.C. and other  
material available on the record at the time of framing of the charge---Parties also had the  
right to address arguments at the time of framing of charge in support of their contentions.

Muhammad Javed Khan v. Additional Sessions Judge, Multan and 2 others 2007 PCr.LJ  
124 and Ghulam Haider v. Additional Sessions Judge and others 2006 YLR 2772 rel.

Justin Gill for Petitioner.

Shahzad Hassan Sheikh for Respondent No.2.

Amjad Ali Chatta, Assistant Advocate-General.

Ghulam Murtaza S.-I.