

**P L D 2009 Lahore 135**

**Before Khurshid Anwar Bhinder, J**

**RASOOLAN BIBI---Petitioner**

**Versus**

**ADDITIONAL SESSION JUDGE and others---Respondents**

Writ Petition No.14672 of 2008, decided on 28th October, 2008.

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

----Ss. 22-A & 22-B---Penal Code (XLV of 1860), Ss.324/354/337-A(i)/337-F(i)/337-L(ii)/34---Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act (XXIX of 2006), S.9(7)---Constitution of Pakistan (1973), Art.199---Constitutional petition---Petitioner had called in question order passed by Ex-Officio Justice of Peace, dismissing the petition under Ss.22-A & 22-B, Cr.P.C. filed against order passed by the District Public Prosecutor concerned deleting S.324, P.P.C. in the case F.I.R. registered under Ss.324/354/337-A(i)/337-F(i)/337-L(ii)/34, P.P.C.---Validity---Under provisions of S.9(7) of Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006, District Prosecutor had the powers to scrutinize the available evidence and applicability of offences against all or any of accused as per facts and circumstances of the case---Deletion or insertion of any offence fell within the exclusive domain of the District Prosecutor---Question whether the District Prosecutor had rightly deleted S.324, P.P.C., would be seen by the Trial Court at the time of framing the charge, but petitioner could not assail such an order either under provisions of Ss.22-A & 22-B, Cr.P.C. or in constitutional jurisdiction of the High Court as it would amount to interfering with the process of investigation which was not the mandate of law---Ex-Officio Justice of Peace had rightly dismissed the application of the petitioner, in circumstances.

Ali Ahmad v. The State and another 2001 MLD 1125 rel.

Khalid Nawaz Ghuman, Advocate.