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PROSECUTOR GENERAL SINDH
CRIMINAL PROSECUTION DEPARTMENT
GOVERNMENT OF SINDH
4th Floor, Administration Block,
High Court of Sindh, Karachi
Karachi dated: 8th June, 2026

SAY NO TO CORRUPTION

(Circular No. 4 of 2026)

SUBJECT: INSTRUCTIONS TO ALL PROSECUTORS – SCRUTINY OF CHALLANS, INDEPENDENT APPLICATION OF MIND AND THE CONDUCT OF PROSECUTION

Whereas, scrutiny of challan/investigation report is one of the most important functions of the prosecution;

And whereas, no challan or report (whether interim or final) can be submitted blindly or without due and independent application of mind by the concerned prosecutor;

And whereas, the role of an investigating agency is primarily to investigate and to bring out the facts however correct application of law and then forming of a final opinion on law is exclusively the domain of the prosecution department;

And whereas, the responsibility to conduct a trial and to prove that which is alleged in the challan, vests exclusively in the prosecution department alone and it is the prosecutor who must prove the charge beyond any reasonable doubt;

And whereas, a prosecutor cannot (and in fact should not) prosecute that which in his or her considered opinion is not fit for prosecution therefore the supervision, autonomy and control of the prosecution at the pre-trial stage is equally important as it is during the trial proceedings. Once again, how can you prove an offence at trial? which in the first instance has not been initiated properly and or has been framed without your approval or application of mind.

And whereas, it is the binding & inviolable duty of the prosecution to ensure that no innocent person is wrongly accused or convicted, and that no offender escapes from the punishment & iron hands of law;

Now, therefore, in exercise of the powers conferred under Section 5(3) read with Sections 9 and 9A(1) and (2) of the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009 ("the Act"), the following instructions are issued to all prosecutors who are members of the Service, and to all public servants working in connection with investigation and prosecution in the Province of Sindh, for the purpose of ensuring effective, fair and efficient prosecution:

Supervision and Autonomy of Prosecution department at the pre trial stage:

1. All Prosecutors (who are part of the service under the Act) must ensure that challans/investigation reports (whether interim or final) are not submitted blindly but rather after independent application of mind. The concerned prosecutor must record his or her own independent opinion on the sufficiency of the evidence and on the correct application of the law. End of the day it is not the investigating agency but the prosecution which has to conduct the trial and then to prove that which is alleged.
2. Supervision and autonomy of the prosecution department (both pre and during the trial proceedings) must be ensured at all costs.
3. In the event any challan/investigation report is submitted in court by the concerned prosecutor without recording reasons independently justifying as to why the challan/report is endorsed, the same shall amount to abdication of duty and shall warrant disciplinary proceedings against the concerned prosecutor.
4. All District Public Prosecutors (DPP's) from today onwards are directed to ensure that supervision and control of the prosecution department (at the investigation stage) in the manner as required above is put into practice.

Continued Page-02

5. All investigating agencies and their worthy investigating officers must cooperate with the prosecution department and assist the learned prosecutors so as to ensure effective and efficient prosecution. The IO's must take the concerned prosecutors on board as soon as the crime is reported/FIR is lodged and not at a later stage. Even the slightest of errors (whether pertaining to violation of procedure and or rules of evidence) committed at investigation stage turn out to be fatal for trial. With prosecutors on board right from the inception, the margin of error if not eliminated can be substantially minimized.
6. In the event there is a conflict of opinion between the IO & the concerned prosecutor such that there is a deadlock, the same should be brought before the learned DPP for his final approval. In the event the learned DPP has finally decided and formed an opinion on law, the same shall be submitted before the court. It is the prosecution department which has the last say in this matter (off course subject to final approval from court) and not the investigation agency.
7. Remember, it's not a question of superiority or power struggle. Both the investigation agency and the prosecution are two sides of the same coin. Both have only one common goal and that is to effectively and efficiently prosecute. A criminal justice system can never thrive in the absence of effective co-ordination between the investigating agency and prosecution department. It is bound to fail, if there is lack of effective co-ordination between the two. Therefore, the investigating agency must assist the prosecution in thrashing out the facts properly and the prosecution department must apply the law properly and charge the real offenders so that "No innocent is wrongly accused or convicted & No offender escapes punishment from the iron hands of law".
8. Utmost care should be taken at pre-trial proceedings to ensure that firstly no person is charged frivolously. In the event the investigated facts reveal that no crime has been committed the prosecution department must not charge him/her at all. Similarly, if the investigated facts reveal that a crime has indeed taken place then no stone must be left unturned to secure conviction. Irrespective of any covers/shields under which the accused is hiding, the prosecution must implicate him/her properly at pre-trial stage and then secure conviction at trial. This, the prosecutor must do, without fear or favor at the very least.

Duty of prosecution department at pre-trial stage and also during the trial proceedings.

9. At the trial stage the prosecution shall likewise not proceed blindly. Where the prosecutor is satisfied that an accused has been wrongly charged or falsely implicated, or that there is no reasonable prospect of conviction, appropriate steps shall be taken for seeking permission from the competent authority for withdrawal of the prosecution in accordance with Section 494 of the Code of Criminal Procedure, 1898 and the Act.
10. Once again extreme caution must be taken in the exercise of this power that it is not subjected to abuse however the same must not be withheld (not even for a moment) when the facts warrant the exercise of such power. Remember, the last say always vests with the court.

Extra care & caution be exercised in cases pertaining to Rape, Gender based violence, Children, Women, Elderly & Differently able persons.

11. Special care must be exercised in cases pertaining to Rape, Gender based violence, Children, Women, Elderly and Differently abled persons. Prosecutors must at all costs ensure that cases falling in these categories are prioritized, expedited and handled with care so that prosecution (which is primarily for retribution) doesn't become a source of further humiliation and trauma for the victims.
12. Where the complainant is a woman, particularly in cases of sexual violence or domestic abuse, the concerned prosecutor must ensure that the investigation has been conducted with due regard to her dignity, privacy and safety, and in accordance with the law. In cases of sexual violence, the prosecutor must ensure compliance with the Anti-Rape (Investigation and Trial) Act 2021 and the Qanun-e-Shahadat Order, 1984. In particular, the concerned prosecutor must ensure that the victim is not subjected to needless humiliation or improper character-based inquiry.
13. Similarly, special care must be taken where the accused is a juvenile. In such cases, the prosecutor must satisfy himself that the provisions of the Juvenile Justice System Act, 2018 and the rules framed thereunder are complied with.
14. Where the accused person appears to be of unsound mind and is incapable of making his/her defense, the concerned prosecutor must apply his mind to the question whether the accused is fit to stand trial within the meaning of Chapter XXXIV of the Code of Criminal Procedure, 1898 (Sections 464-475, CrPC). Any such concern must be brought to the attention of the court at the earliest possible stage.

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Protection of Victims and Witnesses.

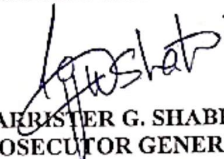
15. Victims, their families and so also witnesses in their support shall be treated with compassion and respect. The concerned prosecutor must act like a watch dog and take all measures to ensure that the victims, their families and witnesses in their support are not intimidated or harassed. Their protection is the inviolable duty of the prosecution department.

Conflict of Interest.

16. No prosecutor shall handle any matter in which he has a personal, familial, financial, or professional interest, whether direct or indirect, in the outcome of the proceedings. This obligation is continuous and applies at all stages of the proceedings, including challan scrutiny, bail hearings, trial, and withdrawal.
17. Where a prosecutor becomes aware of a conflict of interest, or of any circumstances which may reasonably give rise to an apprehension of bias, he must immediately disclose the same in writing to his immediate superior and must recuse himself from the matter forthwith.

Enforcement & Accountability.

18. These instructions are issued so as to achieve effective, fair and efficient prosecution in the Province of Sindh.
19. All public servants working in connection with investigation or prosecution (and not just the members of the Service) are obliged to ensure effective, efficient and fair prosecution under the Act.
20. Any act prejudicial to the prosecution on part of any such public servant is liable to attract disciplinary proceedings, for which the Prosecutor General is specifically authorised under Section 9A(2) of the Act.
21. For the purposes of effective enforcement of this circular, complaint cells at district levels and at the provincial level headed by officers duly appointed by this office shall be notified separately by this office.


BARBISTER G. SHABBIR SHAH
PROSECUTOR GENERAL, SINDH

Copy forwarded for information and necessary compliance to:

1. The Hon'ble Chief Secretary, Govt. of Sindh, Karachi.
2. The Hon'ble Minister for Law, Parliamentary Affairs, Criminal Prosecution Department, Government of Sindh, Karachi.
3. The Hon'ble Minister for Home Department, Govt. of Sindh, Karachi.
4. The Registrar, Hon'ble High Court of Sindh, Karachi.
5. The Hon'ble Secretary, Law, Parliamentary Affairs, Criminal Prosecution Department, Government of Sindh, Karachi.
6. The Hon'ble Secretary, Home Department, Govt. of Sindh, Karachi.
7. The Hon'ble Secretary, Excise, Taxation & Narcotics Control Department, Govt. of Sindh.
8. The Inspector General of Police, Sindh Police, Karachi (with the request that the contents of this circular be brought to the notice of all investigating officers working under the control and command of Sindh police and for enforcement of the above)
9. The Inspector General of Prison, Karachi.
10. The Chairman, Anti-Corruption Establishment, Karachi.
11. The Director General, Monitoring Implementation & Evaluation, CPS, Karachi.
12. The Deputy Inspector Generals of Police (All).
13. The Senior Superintendent of Police of all districts in Sindh.
14. The Additional Prosecutors General, Sindh (All).
15. The District Public Prosecutors (All) in the Province of Sindh, for circulation among all prosecutors in their respective districts.
16. The Deputy and Assistant Prosecutors General (All).