REINVESTIGATION AND SUBMISSION OF SUPPLEMNENTARY CHALLAN

1. **Raja Khurshid Ahmad Vs. Muhammad Bilal and others (2014 SCMR 474),** has held as under: "It would be seen that as per settled law, there is no bar to their investigation of a criminal case and the police authority's area liberty to file a supplementary challan even after submission of the final report under section 173, Cr.P.C. However, this cannot be done after the case has been disposed of by the learned trial Court."

2. **Bahadur Khan v. Muhammad Azam and 8 others(2006 SCMR373),** while discussing the issue thoroughly, the Honorable Supreme Court held as under: "It is well-settled proposition of the law as also held consistently in the reported judgments of this Court and those cited by the learned Advocate on-Record, in view of the provision of section 173, Cr.P.C. that no legal bar existed for reinvestigation of a criminal case even after submission of final report under section 173, Cr.P.C. and the police could carry out the fresh investigation and submit its report to the Court but this would not mean that in a case in which earlier, after completion of investigation challan was submitted for trial of the offence for any offence on which an accused/accused persons have been tried and the case finally decided up to the level of the High Court and by this Court, as the case may be, to entertain the subsequent challan submitted as the result of reinvestigation/further investigation of the case by the police on the happening of a subsequent incident and to proceed with the trial of the case in the normal course oblivious of the facts of the case decided earlier by such Court, and; the facts and circumstances including incriminating material necessitated submission of the subsequent challan in the case already having been decided and attained finality.

3. Neither the code of criminal procedure 1898 nor the police rules 1934 provides for transfer of investigation of a criminal case from one police officer to another police officer and to fill up this lacuna the police order amendment act 2013 (iiix) enacted article 18A and introduced Article 18-A and introduced a new regime for transfer of investigation of a criminal case.

2000 SCMR 453, 2006 SCMR 373, PLD 2009 LAHORE 585

No legal bar existed for reinvestigation of criminal case even after submission of final report under section 173 C.r.P.C.

PLD 2008 Lahore 394

Investigating officer after seeking permission from trial court can reinvestigate the matter, and, if any material piece of evidence is missed in earlier investigation, reinvestigation is permissible

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2008 SCMR 453

That submission of final report in the case under 173 C.r.P.C does not bar the police to carryout the fresh investigation and submit its reports to court after fresh investigation

2004SCMR 1924

Reinvestigation of a case after submission of challan is not barred but the opinion of the investigating officer is not binding on the court and it is the material collected by IO which is to be weighed not the opinion of the IO.

2010 YLR 944

Held that the police are competent to reinvestigate the matter even after the discharge of accused by the magistrate, if new evidence is brought on record to prima facie connect him to the alleged offence and police cannot be stopped from reinvestigation.

2010YLR3201

It was held that change of second investigation is permissible. Article 18(6) of police order 2002 bestows the power on duly constituted board to recommend for reinvestigation and if the board recommended for reinvestigation of the case then even after submission of challan reinvestigation can not be barred.

2012 PCRLJ 1493

The reinvestigation even after the submission of challan can be conducted in peculiar facts and circumstance of each case, mere submission of reports under section 173 cannot be made basis for the stoppage of the investigation.

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