

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application S-202 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on M.A 1892/17
- 2. For hearing

02.06.2017.

Mr. Taj Muhammad Khan Kaimkhani, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G.

It is stated by the learned Counsel for the applicant/accused that applicant/accused has been challaned under Section 295-B and 295-C, PPC of P.S Mehmoodabad, Mirpurkhas. He further submits that the Trial Court has wrongly taken the cognizance as according to him it is mandatory provision that the complaint under these sections shall be filed by the person authorized by provincial or federal government or officer authorized by them and in this case no authorized person has filed the F.I.R. therefore, according to him there is grave violation of Section 196 Cr.P.C. On asking a question from learned counsel for applicant/accused that whether he has taken this ground before the Trial Court, he replied in negative. However, he submits that at the moment he does not press this bail application and he may be allowed to file fresh bail application before the Trial Court to agitate this legal ground and Trial Court may be directed to decide the same after taking into consideration this legal ground as well.

The above provision has not been opposed by learned A.P.G.

In view of the above, this Criminal Bail Application stands disposed of alongwith listed application. However, applicant may file fresh bail application before the Trial Court if he so desires, and legal ground which has been agitated before this Court may be decided as per law by the Trial Court within fifteen days after filing of bail application.

JUDGE