

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Misc. Application No.S-80 of 2017

DATE OF HEARING 18.08.2017.	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For Katcha Peshi.

Applicant: Muhammad Yaseen Kandhro through Mr. Afzal Jagirani
Advocate.

Respondents: Ali Muhammad & Others through Mr. Akeel Ahmed
Bhutto, Advocate.

Mr. Khadim Hussain Deputy Prosecutor General.

Date of hearing : 18.08.2017.

Date of Order : 18.08.2017.

ORDER

Through this Criminal miscellaneous application, the applicant has impugned order dated 28.4.2017 passed by District & Sessions Judge, Larkana / Justice of Peace whereby, the contempt application filed in furtherance of order under Section 22-A & B Cr.Pc. has been disposed of with certain directions.

2. Learned Counsel for the applicant has contended that cognizable offence of robbery has been committed by respondents, whereas, a person was injured and the learned Judge has only taken cognizance in respect of Medical Report and has not directed the SHO to lodge FIR in respect of robbery, hence instant application.

3. On the other hand, learned Counsel for respondents has supported the impugned order and submits that the applicant has only challenged one order dated 28.4.2017 which was passed on his contempt

application, whereas, the main order dated 18.4.2017 has not been challenged through which the concerned SHO was directed to act in furtherance of the Medical Report, hence no case is made out by them. Learned Deputy Prosecutor General has supported the impugned order as being correct in law and has prayed for dismissal of instant application.

4. I have heard both the learned Counsel as well as learned DPG and perused the record.

5. It appears that on the application under Section 22 A & B Cr.P.C., the learned Judge had passed the order on 18.4.2017 whereby SHO PS Badeh was directed to go through the contents of Medico Legal Certificate in respect of injured and proceed further as per law. The said order was not challenged and the applicant appeared to be satisfied with the said order and in fact moved a contempt application for implementation of the said order. If not so then the applicant would have impugned the said order before filing of the contempt application. It further appears that proper action has been taken by the police authorities by filing report on proceedings Under Section 155 Cr.P.C. on 2.5.2017 before the Court of Judicial Magistrate Dokri, as per directions of the Justice of Peace and there is hardly any further cause of action left for the applicant to pursue. It has also been informed that the present action appears to be in retaliation to lodging of FIR No 7/2017 u/s 302, 148, 149 & 504 PPC by Respondent No.4, and after inquiry the involvement of applicant and his relatives in the murder case of brother of Respondent No.4 has not been proved.

6. Counsel for the applicant has contended that once a complaint was made it was obligatory for the Justice of Peace to order for recording of statement and lodging of FIR, however, it must be kept in mind that the office of the

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learned Justice of Peace is not a post office, whereby he is required to send all application filed before him under section 22 A&B Cr.P.C. to respective Police Stations for registration of FIR's, as suggested by the learned Counsel for the applicant, rather, he has to see that as to whether any cognizable offence has been made out on the basis of the material placed before him, including the assertion of the applicant, and if so, then direct the concerned SHO to registrar the FIR. It is not mandatory that he must order for registration of FIR in each and every case brought before him, but in fact has to see on his own that as to whether the case merits any indulgence by his office and whether any cognizable offence has been made out or not. In the instant matter a very reasoned order has been passed by the learned Judge and in my view the impugned order is correct in law and facts and hence does not require any interference by this Court, as such instant application fails and is accordingly dismissed.

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