

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Misc. Application No. S-397 of 2025

Applicant: Jan Muhammad *through* Syed Mujahid Ali Shah,
Advocate

Respondents No.1,3 & 4: SSP Sukkur and others *through* Mansoor Ahmed
Shaikh, Deputy Prosecutor General

Date of hearing: 07.7.2025
Dated of Decision: 07.7.2025

ORDER

Muhammad Jaffer Raza, J.- Through instant criminal miscellaneous application u/s 561-A of the Criminal Procedures Code, the applicant has impugned the order dated 14.6.2025, passed by learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Sukkur, in Criminal Misc. Application No.1836/2025, whereby an application u/s 22-A & 22-B, Cr.P.C, filed by respondent No.3 was allowed, directing the SHO Police Station SITE Area Sukkur to record statement of respondent No.3 u/s 154 Cr.P.C.

2. Learned counsel for the applicant has mainly contended that no cognizable offence has been made out as the cheques issued by him were admittedly bounced but the same were issued only for the purposes of security. In this regard he invited my attention to the Iqarnama executed between the parties, and submitted that it is evident from the Iqarnama that the cheques were issued by him only for the purpose of surety/security.

3. Learned DPG supported the impugned order.

4. I have heard learned counsel for the applicant and learned DPG as well as perused the record.

5. I have specifically asked from the learned counsel for the applicant that definite findings, if any, can be given by this court regarding aforementioned cheques. The learned counsel for the applicant in this regard reiterated his plea noted above. However, I am not inclined to make any observation in this regard as the same is exclusive domain of the learned trial court in the event cognizable offence is made out. I concur with the finding of the learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Sukkur wherein it was ordered as under:-

“In view of above circumstances, this application is allowed with directions to the respondent No.2 (SHO PS SITE Area Sukkur) to record the statement of applicant u/s. 154 Cr.P.C, if it constitutes any cognizable offence then he is duty bound to register his case and take action in the matter in accordance with law. During investigation, if it is found that the applicant has registered false case, then action U/S 182 PPC be taken against him. Let the copy of this order be sent to the SHO of concerned PS for information and compliance.”

6. For what has been discussed above, the instant criminal miscellaneous application is dismissed and the impugned order dated 14.6.2025, passed by the Court of learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Sukkur is upheld.

JUDGE

Sulemen Khan/PA