

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Misc. Application No.S-160 of 2023

| <u>DATE</u> | <u>ORDER WITH SIGNATURE OF HON'BLE JUDGE</u> |
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1. For orders on office objection "A"
2. For hearing of main case.

19-09-2025

Mr. Ashique Hussain Kalhoro, Advocate for the applicant
Mr. Sardar Ali Solangi, Deputy Prosecutor General.

Through the instant Misc. Application, the applicant has challenged the order dated 15-04-2023, passed by the court of learned 2nd Civil and Judicial Magistrate, Mehar, in summary proceedings No.97/2023.

Mr. Ashique Hussain Kalhoro learned counsel for the applicant submits that the FIR was supported by the statements of the witnesses and there was sufficient material available on record to take cognizance of the case. He prayed for setting aside the impugned order and directing the court to proceed with the trial on merits.

Mr. Sardar Ali Solangi learned Deputy Prosecutor General submits that there is not illegality or irregularity in the impugned order and learned trial court has taken into consideration all the aspects of the case in passing the impugned order.

Heard arguments and perused material available on record.

The applicant had lodged an FIR u/s 376, 354, 511, 109 PPC, alleging therein that she worked in the house of Liaqat Ali and on the alleged day of incident, the women folk of the house had gone to Larkana for shopping. When she entered the house and went to rooftop, accused Sadaqat Ali came there and attempted to commit Zina. She cried on which Sadaqat Ali left the house. She, therefore, approached police station to lodge the FIR.

In compliance of section 154 Cr.P.C, copy of the FIR was submitted with the trial court. On perusal of the contents of the FIR, learned trial court directed the SSP Dadu to constitute JIT vide order dated 22.02.2023. JIT visited the place of incident, recorded the statements of people from neighbor and concluded that complainant was never employed in the house of accused. The investigation resulted into submission of report for disposal of FIR under "C" Class. Learned trial court after taking into consideration all the aspects of the case approved the report and disposed of the FIR under "C" Class. It was incumbent upon the complainant to prove her allegations during investigation by producing cogent material on record to show that an incident had taken place, which apparently was lacking in her case, therefore, the learned Magistrate after thorough scrutiny of the record accepted the report for disposal of FIR under "C" Class. For aforementioned reasons there appears no reasonable ground to disturb the findings rendered by the learned trial court. This application, therefore, fails and is dismissed accordingly.

JUDGE