

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No.S-352 of 2024

Date of hearing	Order with signature of Judge
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- 1. For orders on office objections.
- 2. For hearing of main case
- 3. For hearing of MA No.2877/2024

19-09-2024.

Mr. Shabbir Ali Bozdar advocate for the applicant.
Mr. Imran Mobeen Khan APG.

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1. Deferred .
- 2&3. As to the notices issued to the respondents it is reported that they have served by way of intimation through mobile. On an earlier date when representation through counsel was available in this matter specific date by Court was given with the note of caution that on the next date same is liable to be considered on the basis of record present and whatsoever assistance as may be available and as such today matter was heard.

According to the record the impugned order dated 14.06.2024 directing lodging of FIR has been impugned in the matter passed by learned Sessions Judge/Ex-officio Justice of Peace, Ghotki in Cr.M.A No.1565 of 2024 requiring the statement of the said complainant to be recorded and incorporated in the 154 Cr.P.C book, if cognizable offence is made out.

Learned counsel or the applicant contended that as further discussion made in the matter it is not clear whether the statement is to be recorded in respect to the alleged stolen motorcycle (to which the applicant does not oppose), however the accusation in respect of the present applicant are only being objected to. Learned counsel for the applicant has

also submitted copy of order dated 26.08.2024 passed by this Court in Criminal Misc. Application No.S-425 of 2024 whereby in a similar matter, required clarification through the required restricting has been ordered, limitly the alleged offence to the stealing of motorcycle as alleged only.

Learned APG present in the Court also favours the similar restriction of the impugned order i.e to the extent of complaint of stolen motorcycle, however, as to the other portion that may also be construed to be against the police official concerned he does not support the same.

Having heard learned counsel for applicant and learned APG for State. Although no one is present for the respondent to whom opportunities having been provided. The record also does not make this Court to come to the conclusion that the impugned order as passed by Ex-officio Justice of Peace should not be restricted to the required so as to bring out the object and not the element of conduct of the officials to which complainant may have opportunities available in accordance with law but definitely not liable to entertain by the Ex-Officio Justice of Peace being not the forum available in this regard. Accordingly the impugned order is modified to the extent and to be considered in respect of the alleged stolen motorcycle only whereas the complainant may approach the legal forum in respect to any grievance against the officials but the same have to be in accordance with law.

With the above directions, instant Criminal Misc. Application stands disposed of.

J U D G E

