

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

Cr.Misc.Appl.No.S- 163 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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12.02.2019.

Mr. Mian Taj Muhammad Keerio, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, D.P.G. for the State.

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None present for the respondents. From perusal of the diary sheets, it appears that they were not even present on 12.09.2018 and 10.10.2018. Learned counsel for the applicant by drawing the attention towards the impugned order, states that the order is illegal and contrary to the facts of the case, not sustainable in law, suffers from legal infirmity and no connection with the reality of the case. Learned counsel next contends that the fact is that the applicant had a serious grievance against the respondents who per applicant, robbed the valuable articles including one LCD TV, AC PEL Company, Refrigerator, utensils and other household articles, as well as cash of Rs.28,000/- was also snatched from him. Counsel further states that the learned trial Court failed to consider that a cognizable offence was made out and the SHO concerned was duty bound to register FIR where information of a cognizable offence was received by him. Learned counsel prays that the impugned order suffering from material illegality and irregularity be set aside

Section 154 Cr.P.C. provides a mechanism that if any person approaches the concerned Police Officer, he is to record former's statement u/s 161 Cr.P.C. and if a cognizable offence is made, to enter the same in the book provided u/s 154 Cr.P.C and proceed in accordance with law. One fails to understand why such a simple procedure is not followed in letter and spirit?

In the circumstances at hand, the order impugned which granted a clean chit to the respondents without full trial, is seen by me an obstruction in

the process of administration of justice and the same is set aside. The applicant may approach the concerned SHO for recording his statement and if a cognizable offence is made out then enter the same in a book provided u/s 154 Cr.P.C. and proceed further in accordance with law.

The criminal miscellaneous application stands disposed of in the above terms.

JUDGE

Tufail/PA