

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Misc: Application No.30 of 2019

Date	Order with signature of Judge
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Present: Mr. Justice Nazar Akbar

Fresh Case

1. For orders on M.A No.783/2019 (U/A)
2. For orders on M.A No.784/2019 (Ex/A)
3. For hearing of main case.

Muhammad Usman

vs.

The State & others

25.01.2019

Mr. Muhammad Anwar Shahid, advocate for the applicant.

NAZAR AKBAR, J.

Through this Crl. Misc: Application the applicant has challenged the order dated **08.01.2019** passed by the District and Sessions Judge, West Karachi in Crl. Misc: Application No.2121/2018, whereby the applicant's request to register FIR in terms of **Section 22-A Cr.P.C** was dismissed.

2. Learned counsel for the applicant has claimed that the applicant has been kidnaped on **12.12.2018** and he was deprived of not only Rs.200,000/- but has also been beaten by someone by the name of Iqbal who was claiming to be the Rangers Officer. His such application was directly given to the SSP on **14.12.2018** on which the SSP has already ordered the SHO "*to call both the parties verify the facts and take necessary action according to law and report*". The aforesaid order of the SSP was the maximum authority which the Justice of Peace is supposed to exercise under **Section 22-A Cr.P.C**. The Justice of Peace cannot pass any order beyond direction to the SHO to record statement and act according to law. It is for the investigating agencies to apply its independent mind to facts of the case and decide whether the case is made out or not. In the case in

hand even in his application under **Section 22-A Cr.P.C** the applicant/complainant has not alleged that he has approached the SHO, despite the fact that even SSP has directed the parties to appear before SHO. The complainant was supposed to approach SHO before approaching Justice of Peace and if any report has been filed by the SHO to the SSP, he should have examined the same and placed before the Justice of Peace. Be that as it may, the perusal of so-called complaint dated **12.12.2018** handed over to the staff of SSP on **14.12.2018** on the face of it is not confidence inspiring. No date and time of alleged kidnaping of complainant was given in the application. When the Court enquired about the medical examination of the applicant/ complainant to ascertain that he was beaten by someone who was claiming to be the Rangers Officer, he said that the complainant has privately taken medical treatment. He has not filed any report of any injuries to his body alongwith his complaint. The complaint is about an unseen incident of kidnapping in day time and he has not nominated any person as witness of his leaving the godown where he was sitting when he received phone call. He has not even given a date and time of his release by the kidnapers, if any.

3. In view of the above, even otherwise there was no substance in the complaint for registration of the FIR, therefore, this Criminal Miscellaneous Application is dismissed in limine alongwith pending applications.

JUDGE

Ayaz Gul