

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

CrI. Misc. Appl. No.178 of 2019

Date	Order with signature of Judge
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1. For orders on M.A. No.3816/2019 (U/A)
 2. For orders on Office objection a/w reply at 'A'.
 3. For orders on M.A No.3817/2019 (Ex/A)
 3. For hearing of main case
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26.04.2019

Mr. Asad Khan, advocate for the applicant,

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NAZAR AKBAR, J:- This Criminal Miscellaneous Application is filed by the applicant against the order dated **20.11.2018** passed by the 1st Addl. Sessions Judge, Ex-Officio Justice of the Peace, Malir Karachi in Cr. Misc. Application **No.1520/2018** whereby the trial Court has dismissed the application of the applicant.

2. Brief facts as narrated in the application under Section 22-A & 22-B of the Cr.P.C in nutshell are that Applicant's firm imported a consignment under Bill of Lading No.589084480 which arrived at Port Qasim under Containers No.MSRKU 5966367 & PONU 7634738 which is lying with the Qasim International Container Terminal "QICT". The QICT and its Directors and employees have dishonestly misappropriated the above said consignment as the same was handed to him by the shipper for its delivery to the Applicant's firm. Moreover they have committed breach of direction of law prescribing the mode in which such trust is to be discharged.

3. Learned trial Court after hearing the parties, by order dated **20.11.2018** has dismissed Cr. Misc. Application **No.1520/2018** under Section 22-A and 22-B of the Cr.P.C filed by the applicant. Therefore, the applicant has preferred instant Cr. Misc. Application.

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

5. The perusal of the impugned order shows that the learned trial Court has rightly observed that:-

“The respondent alongwith his objection has filed the photocopy of certify/true copy of order dated 04.10.2018 and 12.10.2018, passed by the Hon’ble High Court of Sindh at Karachi in suit No.1842/2018 re-Qasim International Container Terminal versus Lucky Traders and others in which the Hon’ble High Court was pleased to grant stay and also restrained the SSP Malir and SHO Police Station Bin Qasim from taking any coercive action against the plaintiff/respondent of this petition.

Since the Hon’ble High Court has granted stay order in the matter relating to this petition, the matter is subjudice before the Apex Court, the matter is relating to civil nature, hence the petition in hand merits no consideration, same is hereby dismissed”.....

6. In view of the above, no case is made for interference in the impugned order by this Court; therefore, this Crl. Misc. Application being devoid of any merit is dismissed alongwith listed applications.

JUDGE