

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Misc. A. No.S- 116 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on M.A- 5975 of 2020 (Urgency application).

11.09.2020

Mr. Faisal Nadeem Abro, Advocate for applicant, alongwith the applicant.

Ms. Rameshan Oad, A.P.G.

Respondent No.1 present in person.
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Mr. Ghulam Shabbir Mari Advocate files Vakalatnama on behalf of proposed accused, which is taken on record.

It is stated by learned counsel for the applicant that he filed application bearing Cr. Misc. A. No.212 of 2020 (Re: Hussain Bux V Senior Superintendent of Police and others) before the Court of learned Ex-Officio Justice of Peace, Sanghar for registration of F.I.R. against the proposed accused, but his prayer was declined on the ground that the dispute in between private parties appears to be of civil nature. Applicant present in Court also submits that he has received head injury at the hands of proposed accused but F.I.R. with regard to such incident is not being registered. This contention of the applicant has been denied by learned counsel for proposed accused, who submits that the parties are near relatives to each other and the dispute in between them is of civil nature.

Be that as it may, the allegation leveled by the applicant is that he received head injury at the hands of proposed accused. In these circumstances, it is settled law that when a cognizable offence is made out then it should be incorporated in 154 Cr.P.C. book. Accordingly, the applicant is directed to appear before SHO P.S Lundo, who shall record his statement and if from such statement a cognizable offence is made out then he shall incorporate the

same in 154 Cr.P.C. book and proceed further. However, it is directed that SHO concerned shall not arrest any of the proposed accused until and unless some concrete evidence has come on record.

Criminal miscellaneous application stands disposed of in above terms, alongwith pending application(s).

JUDGE

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