

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 689 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.
3. For hearing of MA-8653/2020

12.02.2021.

Mr. Rafique Ahmed Dahri, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Ashique Hussain D. Solangi, advocate for respondent
No.3.

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The applicant by way of instant Criminal Misc. Application has impugned an order dated 26.11.2020 passed by learned Ex-officio Justice of Peace/Additional Sessions Judge, Sehwan whereby he has directed SHO PS Kherodero to record statement of the private respondent for purpose of FIR.

It is stated by learned counsel for the applicant that as per section 25 of Cr.P.C Ex-officio Justice of Peace can exercise his jurisdiction within the District where he is serving. In the instant matter, as per report furnished by SHO PS Kherodero the alleged incident has taken place within jurisdiction of PS Katcho Misri Taluka Moro District Naushehro Feroz; therefore, learned Ex-officio Justice of Peace at Sehwan was having no jurisdiction to have passed the impugned order which is liable to be set-aside.

It is stated by learned counsel for the private respondent that the report furnished by SHO PS Kherodero was fake and managed as such it has rightly been ignored by learned Ex-officio Justice of Peace at

Sehwan. By stating so, he sought for dismissal of the instant Criminal Misc. Application.

It is suggested by learned A.P.G for the State that the impugned order be set-aside with direction to learned Ex-officio Justice of Peace at Sehwan to pass the same afresh after determining the actual location of the place of incident.

I have considered the above arguments and perused the record.

If, the report of SHO PS Kherodero is believed to be true then learned Ex-officio Justice of Peace at Sehwan was having no jurisdiction to have passed the impugned order. In these circumstances, impugned order could not be sustained; it is set-aside with direction to learned Ex-officio Justice of Peace at Sehwan to pass the same afresh in accordance with law, after determining the actual location of the place of incident.

The instant Criminal Misc. Application is disposed of accordingly.

JUDGE