

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Misc. A. No.S- 29 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For order on urgent application (M.A- 494 of 2020).
- 2. For orders on office objection.
- 3. For orders on exemption application (M.A-495 of 2020).
- 4. For hearing of main case.
- 5. For orders on stay application u/s 561-A Cr.P.C. (M.A-496 of 2020).

27.01.2020

Mr. Ashfaque Ahmed A. Solangi, Advocate for the Applicant.
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1. Urgent application granted.
- 2 to 5. It appears from the record that Applicant / complainant Ayaz Hussain lodged F.I.R. being Crime No.06 of 2019 at Police Station Khero Dero, District Jamshoro, under sections 324, 114, 506(2), 504, 147, 148, 149, 337-H(ii) PPC against the Applicant and others, which was duly investigated by I.O of the case, who after concluding the same submitted report in terms of section 173 Cr.P.C while deleting section 324 P.P.C and the learned Magistrate concurring with the same accepted it and took cognizance in the matter.

It is stated by learned counsel for the Applicant that case against the Applicant is false and has been registered due to political enmity. He further submitted that no such incident had taken place in the fashion as alleged as, according to him, nobody has received any scratch / injury; however, the local police under the garb of this F.I.R, is harassing the Applicant as well as others who are nominated in said F.I.R.

Heard learned counsel for the Applicant and perused the record.

It is an admitted fact that after due investigation, report u/s 173 Cr.P.C. was submitted before the concerned Judicial Magistrate, who while concurring with the same took cognizance of the matter and the present Applicant alongwith others has been made accused in the case. During course of arguments, I have specifically asked question from learned counsel for the Applicant as to how this criminal miscellaneous application is maintainable when concerned Magistrate / trial Court has taken cognizance in the matter

and the only remedy available to Applicant is to knock the door of the trial Court for redressal of his grievance, if any; he has no satisfactory answer with him. At this juncture, Mr. Shahid Ahmed Shaikh, learned D.P.G, who is present in Court in connection with other matters, waived the notice of instant application and submits that in view of the dictum laid down in the case reported as **PLD 2013 S.C 401** this criminal miscellaneous application is not maintainable and liable to be dismissed.

Facing with this situation, learned counsel for the Applicant does not press this criminal miscellaneous application, which is accordingly dismissed alongwith miscellaneous applications listed at serial No.3 and 5. However, the Applicant would be at liberty to knock the door of competent forum / trial Court for redressal of his grievance and on filing such proceeding the trial Court shall decide the same as per law without being influenced by the order passed by it earlier.

JUDGE

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