HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-128 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objections.
2. For orders on M.A No.1713/2022.
3. For hearing of main case.

22.04.2022

Mr. Abid Ali Thebo, Advocate for applicant.
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The facts in brief necessary for disposal of instant miscellaneous application are that the applicant during course of pendency of Civil Suit by making application under section 476 Cr.P.C sought for prosecution of the private respondents for allegedly having committed an offence punishable under section 466 P.P.C for having forged a power of attorney and for presenting illegal documents for identification, it was dismissed by learned Senior Civil Judge, Tando Allahyar vide order dated 19.06.2019 which was impugned by the applicant by preferring a revision application, it was dismissed by learned Sessions Judge Tando Allahyar vide order dated 25.11.2021, which is impugned by the applicant before this Court by preferring the instant criminal miscellaneous application u/s: 561-A Cr.P.C.

It is contended by learned counsel for the applicant that both Courts below by refusing to take cognizance of the alleged offence against the private respondents have committed wrong which could only be made right by this Court.

Heard arguments and perused the record.

The documents alleged to be forged have been used in civil litigation. In that situation, as per the mandate contained by section 195 Cr.P.C, it is the Trial Court alone which has to form its opinion with regard to such documents being genuineness or otherwise after due trial which obviously the applicant is

found to be defeating for one or other reason. In these circumstances, learned Courts below have committed no wrong by dismissing the application of the application which could be made right by this Court in exercise of its inherit jurisdiction by way of instant criminal miscellaneous application, it is dismissed with costs of Rs.10,000/-

<div align="right">JUDGE</div>

Muhammad Danish