

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln No. S – 522 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

Priority case

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.3972/2017 (S/A)
(Notice issued)

14.12.2018

Mr. Alam Sher Bozdar Advocate for the Applicant
Mr. Khalil Ahmed Maitlo, DPG for the State

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Learned counsel for the applicant/proposed accused No.8 submits that due to recent change in the circumstances and reasons reported in the case of ***Sughran Bibi v. The State (P L D 2018 Supreme Court 595)*** there is no provision exists in law for registration of second FIR. In this case, the respondent No.2/applicant Nazar Muhammad filed an application for registration of second FIR before the Court of learned Sessions Judge/Ex-Officio Justice of Peace Naushahro Feroze, but the same was allowed vide order dated 14.06.2017. He lastly prayed for setting aside the impugned order as there is no provision in the law.

On the other hand, learned DPG appearing for the State has conceded the submissions made by learned counsel for the applicant/proposed accused No.8 and case-law relied upon (supra) by learned counsel for the applicant.

In view of the aforesaid submissions of the learned counsel for the applicant/proposed accused No.8 as well as learned DPG for the State and case-law relied upon by the learned counsel for the applicant (supra), the impugned order dated 14.06.2018 is set-aside. However, the respondent No.2/applicant is at liberty to avail the remedy in accordance with law by approaching the I.O and submit the factual position before him who shall decide the fate of the same in accordance with law. The Criminal Miscellaneous Application stands disposed of in the above terms.

Judge