

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 720 of 2019

Date

Order with Signature of Hon'ble Judge

For hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case
(Notice issued)

13.01.2020

Mir Raaz Ali Khan Bijarani Advocate a/w Applicant
Mr. Shafi Muhammad Mahar, DPG for the State a/w SIP Ali Hassan and
SIP Ghulam Mustafa and LPC Nawab Ali Mako

>>>>>>...<<<<<<

Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 19.10.2019 passed by learned Sessions Judge / Ex-Officio Justice of Peace, Sukkur, whereby the application filed by the applicant under Section 22-A(6)(i) Cr.P.C was dismissed. In her application, the applicant Mst. Koonjan has alleged that her son Nadir Ali aged about 16 years was abducted by proposed accused SIO Nawab Mako of Police Station Site Area Sukkur and after accepting illegal gratification of Rs.20000/- in cash released her son. The proposed accused along with other police officials appeared on behalf of respondents 1 and 2 present in Court filed statements along with certain documents, copy whereof is provided to learned counsel for the applicant. All are taken on record.

2. Learned counsel for the applicant submits that the proposed accused being a responsible police official abducted the son of the applicant and kept him under wrongful confinement and after accepting illegal gratification of Rs.20000/- the son of the applicant was released, as such he has committed a cognizable offence, whereas, the learned Ex-Officio Justice of Peace has not considered such facts, hence the impugned order is liable to be set-aside and directions may be issued to concerned SHO for recording the statement of the applicant as per her verbatim.

3. Learned DPG appearing for the State contends that the impugned order is well-reasoned and speaking one, therefore, does not call for any interference, as such he prayed for dismissal of the instant Criminal Miscellaneous Application on the ground that the applicant has failed to produce any documentary evidence to believe that her son has been abducted by the proposed accused nor she has filed any application before the competent authority.

4. I have heard the learned counsel for the parties and perused the relevant record. While passing the impugned order, the learned Sessions Judge / Ex-Officio Justice of Peace has given cogent reasons by observing that the story narrated by the applicant is unbelievable and no such application or complaint was made by the applicant before any competent authority to believe that her son was abducted by the proposed accused. The order passed by learned Ex-Officio Justice of Peace is elaborated and speaking one, hence does not call for any interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed and the impugned order dated 19.10.2019 is maintained. However, the applicant is at liberty to file direct complaint before the competent Court of law having jurisdiction for redressal of her grievances, if so advised.

Judge

ARBROHI