

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Application No. S – 722 of 2018

Date

Order with Signature of Hon'ble Judge

Priority case

1. For orders on MA No.8484/2015 (Review Application)
2. For hearing of main case
3. For hearing of MA No.5833/2015 (S/A)

14.02.2020

Mr. Khan Muhammad Sangi, Advocate for the applicant
Mr. Khalil Ahmed Maitlo, DPG for the State

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By way of filing Constitutional Petition No.S-1972/2015, thereafter it was converted into a Criminal Miscellaneous Application, the applicant has impugned the order dated 30.04.2015, passed by learned 2nd Additional Sessions Judge, Sukkur, whereby he was directed to appear before the SHO for redressal of his grievance, if he desires so. Being aggrieved of the aforesaid order, the applicant has approached this Court.

2. Vide order dated 16.7.2015 this Court directed the SSP Sukkur to conduct thorough enquiry with regard to the allegation of respondent No.2. Such enquiry was conducted by Haji Masood Rasool Mahar, SDPO Rohri, the recommendation thereof reads as under;

“Keeping in view of the above facts and circumstances, it is clear that a detail order passed by Additional Sessions Judge (Hudood) Sukkur on 29.06.2015 in Criminal Miscellaneous Application No.801 of 2015 filed by Mr. Asif Ali Solangi. Therefore, it is recommended that version of Mr. Asif Ali Solangi is unsubstantiated and he may kindly be prosecuted under section 182 PPC and SSP Sukkur is requested to instruct SHO PS New Pind to submit such proceeding in

the court of law having jurisdiction. The conduct and criminal record of Advocate Shahzado Dreho is submitted for kind perusal of the Honourable Court and further necessary order as deemed fit for Mr. Shahzado Dreho Advocate.”

3. Learned counsel for the applicant submits that due to the impugned order the applicant is unable to pass his routine life as the respondent No.2 is always blackmailing him that he will use the order against him at any time. Learned DPG present in the Court also supported the version of the learned counsel for the applicant.

4. I have heard the learned counsel for the applicant as well as learned DPG for the State. The perusal of the impugned order, it appears that there was direction to the private respondent Asif Ali to appear before the SHO concerned for redressal of his grievance, whereas, he has not appeared before the SHO since last five years, therefore, it seems that he has no grievance, but to blackmail the applicant. In such circumstances, the impugned order dated 30.04.2015 is set-aside. However, the parties are at liberty to approach before the competent Court of Law, if they have any grievance against each other. Consequently, the instant Criminal Miscellaneous Application stands allowed.

Judge