

Order Sheet

IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 657 of 2020

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)

12.08.2021

Syed Asghar Ali Shah Advocate for applicant
Mr. Shafi Muhammad Mahar, DPG for the State a/w ASI Taqi Muhammad
of Police Station Faiz Ganj

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Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 25.07.2020 passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace, Mirwah, whereby the application under Section 22-A and 22-B Cr.P.C filed by the applicant was dismissed.

Per learned counsel the applicant is a poor person and in order to grab lands the proposed accused have attacked and made firing upon him, hence the proposed accused have committed a cognizable offence, therefore, they are liable to be prosecuted under the law.

Learned DPG for the State opposed the instant application by contending that allegedly the incident has taken place on 12.06.2020, whereas, the instant application was filed by the applicant on 03.07.2020; that the learned Ex-Officio Justice of Peace has passed a speaking order, hence the same does not call for any interference by this Court.

I have heard the learned counsel for the applicant as well as learned DPG for the State and perused the record. The reports filed by the SHO Police Station Faiz Ganj as well as Incharge Complaint Cell, Khairpur before the Ex-Officio Justice of Peace indicates that the applicant and the proposed accused are brawling over the landed property and such murder case is also pending trial. The applicant just

to falsely involve the proposed accused in a criminal case is endeavoring to get the directions for such purpose, hence in existence of such enmity at this stage the version of the applicant cannot be considered. In view of the above, the impugned order does not call for any interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed. However, the applicant is at liberty to avail his remedy by filing direct of the incident, if so advised.

Judge

ARBROHI