

Order Sheet
IN THE HIGH COURT OF SINDH,
 BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 639 of 2020

Date	Order with Signature of Hon'ble Judge
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Priority case

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.6097/2021 (S/A)

06.09.2021

Mr. Ghulam Mujtaba Jakhar Advocate for the Applicant
 Mr. Aftab Ahmed Shar, Additional PG for State a/w SIP Saeed Ahmed Bhayo,
 SHO Police Station Baberloi

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AMJAD ALI SAHITO, J:- Through instant Criminal Miscellaneous Application, the applicant / proposed accused has impugned the order dated 02.11.2020 passed by learned Additional Sessions Judge-IV / Ex-Officio Justice of Peace, Khairpur, whereby the application filed by the private respondent under Sections 22-A and 22-B Cr.P.C, was allowed.

2. It is contended by learned counsel for the applicant/proposed accused that the learned Ex-Officio Justice of Peace has passed the impugned order in a very hasty manner without considering the material available on record; that no offence as alleged has been committed by the applicant / proposed accused, whereas, the private respondent with *malafide* intentions and ulterior motives intends to register a false criminal case against the applicant/proposed accused and others just to drag the proposed accused in a false criminal case. He lastly prayed that the impugned order is liable to set-aside.

3. Raja Iftikhar Hussain Ansari Advocate put his appearance on behalf of private respondent and submits the on the day of incident the proposed accused have thrown the poison in the fish farm of the private respondent, where the private respondent has found the footprints of 6/7 persons, as such a cognizable offence has been committed by the proposed accused, therefore, they are liable to be prosecuted under the law.

4. Learned Additional PG appearing for the State supported the impugned order and prayed for dismissal of instant Criminal Miscellaneous Application by contending that the version as setout in the memo of application at this stage cannot be disbelieved.

5. I have heard the learned counsel for the applicant / proposed accused, learned counsel appearing for private respondent, learned Additional PG for the State and perused the record. As per version of the private respondent that on 09.08.2020 poison was threw in the fish farm of the applicant and he has seen the footprints of 6/7 persons at the place of incident, as such the allegations are serious in nature. In the circumstances, the version of the private respondent at this stage cannot be disbelieved. The impugned order dated 02.11.2020 passed by learned IV-Additional Sessions Judge/ Ex-Officio Justice of Peace, Khairpur does not call for any interference by this Court, resultantly the same is maintained. The instant Criminal Miscellaneous Application is dismissed. Respondent No.2 / SHO Police Station, Baberloi, present in Court is directed to comply-with the impugned order dated 02.11.2020 passed by learned IV-Additional Sessions Judge / Ex-Officio Justice of Peace, Khairpur.

Judge