

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

**Cr. Misc. Appln. No. S – 533 of 2019**

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Date Order with Signature of Hon'ble Judge

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**For hearing of main case**

(Notice issued to applicant and his counsel)

**13.09.2021**

Applicant Abdul Sattar present in person  
 Mr. Aftab Ahmed Shar, Additional PG for State  
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**AMJAD ALI SAHITO, J-** Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 24.07.2019 passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace, Pano Akil, whereby the application under Section 22-A(6)(i) and 22-B Cr.P.C filed by the applicant was dismissed.

2. Applicant Abdul Sattar present in person submits that the proposed accused have committed a cognizable offence, therefore, they are liable to be prosecuted under the law; that the learned Ex-Officio Justice of Peace while passing the impugned order has not considered the facts asserted in the memo of criminal miscellaneous application. He lastly submits that the impugned order is liable to be set-aside and such directions may be issued to respondent No.1 / SHO Police Station, Pano Akil for recording his statement.

3. Learned Additional PG appearing for the State prayed for dismissal of instant Criminal Miscellaneous Application by contending from the facts as asserted in the memo of Criminal Miscellaneous Application, no offence is made-out, hence the impugned order is well-reasoned and does not call for any interference by this Court.

4. I have heard the applicant in person as well as learned Additional PG for the State and perused the record. The perusal of the order indicates that the learned Ex-Officio Justice of Peace in order to ascertain the facts of the criminal miscellaneous application has called such reports from SHO Police Station, Pano Akil. In the report,

the SHO has stated that the wife of the applicant left his house, hence he has lodged FIR No.18 of 2018 under Section 363, 364-A, 365-B, 34 PPC at Police Station, Duber and it is further stated that the applicant and his wife were beggars by profession and were residing in the jurisdiction of Taluka Rohri, whereas, the proposed accused are residents of district Ghotki. The learned Ex-Officio Justice of Peace has rightly dismissed the application of the applicant. Consequently, the impugned order dated 24.07.2019 passed by learned Ex-Officio Justice of Peace, Pano Akil is well-reasoned and does not call for any interference by this Court. The instant Criminal Miscellaneous Application is dismissed.

Judge

ARBROHI