

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

Cr. Misc. Appln. No. S – 489 of 2021

Date	Order with Signature of Hon'ble Judge
------	---------------------------------------

Priority case

1. For hearing of main case
2. For orders on MA No.4087/2021 (S/A)
(Process issued)

23.08.2021

Mr. Zulfiqar Ali Leghari Advocate for the Applicant/proposed accused
 Mr. Shafi Muhammad Mahar, DPG for the State
 >>>>>>...<<<<<<<<

AMJAD ALI SAHITO, J- Through instant Criminal Miscellaneous Application, the applicant/proposed accused has impugned the order dated 28.06.2021 passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace, Mirwah, whereby the application filed by the private respondent under Section 22-A and 22-B Cr.P.C, was allowed.

2. On the last date of hearing i.e. 30.07.2021, notices were issued to respondent No.4 but he is called absent without any intimation, hence there is no need to repeat notice to the respondent.

3. It is contended by learned counsel for the applicant / proposed accused that the impugned order has been passed by learned Ex-Officio Justice of Peace is against the officers of the Irrigation Department, Mirwah; that such report was called from the DSP Complaint Cell, Khairpur, wherein it is clearly stated that on 25.06.2021, the private respondent appeared before him and he has recorded his statement and on the very same date, the proposed accused also appeared and their joint statement was recorded, in which they have denied the allegations leveled against them and after recording their statements, the DSP was of the opinion that there is no truth in the allegations leveled by the private respondent against the applicant/proposed accused and others. He further contended that the learned Ex-Officio Justice of Peace without

considering the report has passed the impugned order, hence he prayed for setting-aside of the same.

4. Learned DPG appearing for the State also supported the contentions of the learned counsel for the applicant/proposed accused by contending that the infact the lands of the private respondent are situated on the tail, hence in order to develop undue pressure upon the officers of the Irrigation Department is seeking registration of a false FIR, otherwise no such incident has taken place as per report furnished by the DSP Complaint Cell, Khairpur.

5. I have heard the learned counsel for the applicant/proposed accused, learned DPG for the State and perused the record. Admittedly, the proposed accused are officers of the Irrigation Department, whereas, the report furnished by the DSP Complaint Cell, Khairpur dated 28.06.2021 clearly indicates that no offence was committed by the applicant/proposed accused and others. Further the private respondent being khatedar of tail in order to develop undue pressure upon the proposed accused / Officers of the Irrigation Department for gaining his illegal demands. In the circumstances, the version of the private respondent at this stage could not be believed to be true. Consequently, the impugned order dated 28.06.2021 passed by Additional Sessions Judge / Ex-Officio Justice of Peace, Mirwah is set-aside.

6. The instant criminal miscellaneous application along with listed application is disposed of.

Judge