

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

**Cr. Misc. Appln. No. S – 290 of 2021**

Date

Order with Signature of Hon'ble Judge

**Priority case**

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.2501/2021 (S/A)  
(Notice issued)

**16.09.2021**

Mr. Shafique Ahmed Khan Leghari Advocate for the Applicant/proposed accused

Mr. Manzoor Hussain A. Ansari Advocate for private respondent/complainant  
Mr. Aftab Ahmed Shar, Additional PG for State a/w SIP Muhammad Aslam

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**ORDER**

**AMJAD ALI SAHITO, J:-** Through instant Criminal Miscellaneous Application, the applicant / proposed accused has impugned the order dated 29.04.2021 passed by learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Khairpur, whereby the application filed by the private respondent under Sections 22-A(6)(i) & 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 placed on record; that there is business dispute between the private parties over transaction of money; 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 false criminal case. He lastly prayed that the impugned order is liable to set-aside.

3. Learned counsel appearing for the private respondent and learned Additional PG appearing for the State supported the impugned order and prayed for dismissal of

the instant application by contending that the proposed accused have committed a cognizable offence, therefore, they are liable to be prosecuted under the law.

4. I have heard the learned counsel for the applicant / proposed accused, learned counsel for the private respondent, Additional PG for the State and perused the record. As per version of the private respondent as set out in the memo of criminal miscellaneous application that the proposed Qurban Ali has given three cheques of Meezan Bank Khairpur Branch total amounting to Rs.1,30,00,000.00 (*One Crore thirty lac*) to the private respondent, whereas, on presentation the same were dishonoured due to insufficient funds in the bank account of the applicant/proposed accused, as such a cognizable offence is made-out. In the circumstances, the learned Ex-Officio Justice while passing the impugned order has committed no illegality or irregularity. Accordingly, the instant Criminal Miscellaneous Application is dismissed. Resultantly the interim order passed earlier on 04.05.2021 is hereby recalled. Respondent No.2 / SHO Police Station 'B' Section, Khairpur is directed to comply-with the impugned order dated 29.04.2021 passed by learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Khairpur in accordance with law.

Judge