ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CR MISC APPLICATION NO.116/2019

Date Order with signature of Judge

29.06.2021

Mr. Talib Ali Memon, APG.

Instant criminal application is challenging order dated 14.05.2016 whereby SHO PS Gadap City was directed to record statement of respondent No.4. Ameer Ali son of Kando Khan, that order is impugned here in this petition since 2016. Earlier this was petition and subsequently same was converted to criminal miscellaneous application.

2. On last hearing this court directed SHO PS Gadap City that he shall be in attendance and the matter was adjourned for today at the request of the counsel who filed this petition in 2016 and appearing in this matter since then. Mr. Abdul Hafeez, associate of Mr. Shaukat Hayat is present and seeks time that he will file Vakalatnama. Admittedly Mr. Sarki is absent who is also counsel since 2016. Impugned order is that:-

"Heard the counsel for petitioner and perused the report submitted by SHO PS Gadap City Karachi. I have carefully examined the facts disclosed in the petition and report submitted by SHO from it appears that the information disclosed by the petitioner did not constitute a cognizable offence, while considering the facts of the case and the case law reported in PLD 2007 SC 539, observed that the applicant has got prima facie case of recording his statement the SHO PS Gadap City is directed to record the statement of petitioner under section 154 CrPC and to lodge his FIR as per his verbatim under intimation to this court and during investigation the FIR is found false then to take action under section 182 PPC against the petitioner. The petition in hand is hereby allowed accordingly."

- 3. That order speaks that statement under section 154 CrPC shall be recorded and lodge FIR in same verbatim, investigation shall be carried out, in case information is false proceedings under section 182 PPC shall be initiated against the petitioner (respondent No.4). Since impugned order is with the rider hence at this juncture this court cannot stop any investigation agency to probe reported offence.
- 4. Accordingly, SHO PS Gadap City shall record statement during the course of the day and incorporate the same under section 154 CrPC with report within two days through MIT-II. In case of failure, criminal proceedings would be initiated against concerned SSP and SHO. Learned MIT shall ensure compliance of this order.

JUDGE