

ORDER SHEET  
**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD**

Criminal Miscellaneous Application No.S-162 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For order on MA No.2135 / 2022.
3. For hearing of main case.

03-05-2023

Syed Inayat Hussain Shah, advocate for applicant.

Through this criminal miscellaneous application, learned counsel for the applicant has impugned the order dated 30.08.2021, whereby the learned Additional Sessions Judge-IV, Dadu dismissed the revision application, which was filed against the dismissal of a Direct Complaint filed by the applicant. Hence, the learned counsel filed this criminal miscellaneous application.

Per learned counsel, though the accused persons have committed offence but the same was not considered by the learned trial Court. He prayed that by setting aside the impugned order case may be remanded back for proceedings.

The case of applicant is that the accused Jhando is posted as Head Master, Government Primary School Wahur and accused Khair Muhammad is serving as Clerk in Education Department. On 20.03.2021 at about 08.00 a.m. electric transformer of village met with technical fault; complainant along with other villagers gathered near the transformer, where accused Khair Muhammad and Jhando brought wooden sticks and tried to shift the links, to whom complainant and other villagers advised to call technical person but he did not pay any heed, resultantly electric transformer badly damaged and its oil started pouring. In support of his contention, the applicant has also produced his witness; however, he did not support his version. It would be appropriate to reproduce the operative part of the impugned order as under:-

*“At a glance over the order dated 27.05.2021, passed by the learned trial Court on application under section 200 Cr.P.C, there appears that learned Judicial Magistrate, while passing the order elaborately discussed the evidence produced by the complainant during Preliminary Enquiry and found it sketchy rather not up to the mark. The evidence of complainant and his witness are both poles apart. Complainant could not disclose the names of the persons present there rather he only disclosed the name of his own choice. In such a situation, the learned Judicial Magistrate has taken into consideration the evidence complainant opted in P.E. proceeding with the case on such feeble evidence would be a futile effort when*

*prima facie there appears no probability of the conviction as the charge itself would be groundless in the backdrop of what the complainant has alleged and what the evidence he adduced. The conclusion drawn and reasons advanced by the learned Trial Court shows fair evaluation of evidence which is in accordance with settled principles of criminal jurisprudence and I find no illegality or infirmity in the impugned order, therefore, there is no need to interfere with the same.”*

In view of above facts and circumstances, learned counsel for the applicant has failed to pin point any illegality or irregularity in the impugned order, which is well reasoned and speaking one, and does not require any interference by this Court. Further, the HESCO authorities are the relevant to initiate any proceedings in respect of the electric transformer if it was damaged by the accused. Consequently, instant criminal miscellaneous application is dismissed along with listed applications in *limine*.

JUDGE

\*Abdullah Channa/PS\*