

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-257 of 2023
(Rukhsar Chandio Vs. SSP Naushahro Feroze & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For Orders on office objection.
2. For hearing of main case.

17-11-2023.

Mr. Abrar Hussain Chandio, advocate for the applicant.
Mr. Muhammad Qayyum Arain, advocate for the private respondent.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

1. Over ruled.
2. The applicant by way of instant Crl. Misc. Application has impugned order dated 14-04-2023 passed by learned IIIrd Additional Sessions Judge/Ex-Officio Justice of Peace, Naushahro Feroze, whereby he has directed the police to record statement of the private respondent for purpose of FIR.
3. It is contended by learned counsel for the applicant that the the incident was non-cognizable in nature, therefore, impugned order for recording statement of the private for purpose of FIR is liable to be set aside.
4. Learned DPG for the State did not support the impugned order, however learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Misc. Application by contending that the firing was also made at the private respondent and her witnesses with intention to commit their murder which constitute a cognizable offence.
5. Heard arguments and perused the record.
6. The firing allegedly made at the private respondent and her witnesses proved to be in effective one, which is strange. Injuries sustained by the injured Ghulam Sarwar were found to be non-cognizable in nature. The parties are already disputed, which suggests malafide. In these

premises impugned order could not be sustained, it is set-aside with direction to the private respondent to have a recourse u/s 200 Cr.P.C, if so is advocate to her.

7. The instant Crl. Misc. Application is disposed of accordingly.

Judge

Nasim/P.A

