

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Miscellaneous Application No. 1031 of 2023

Date	Order with signature of Judge
------	-------------------------------

1. For orders on M.A. No.15699/2023
2. For order on office objection & reply of Adv. at Flag "A"
3. For order on CMA No.15700/2023
4. For hearing of main case
5. For order on CMA No.15701/2023

26.12.2023

Mr. Sajid Hussain, advocate for the applicant

1. Urgency application is granted.

2-5. Applicant has impugned order dated 12.12.2023 rendered by the Vth Additional District & Sessions Judge Karachi-South; operative part whereof reads as follows:

The contents of application and the allegation made therein, suggests that the cheque in question was issued by the proposed accused No.1 which was presented in the bank and were bounced being insufficient funds. Perusal of record shows that cognizable offences has been made out, hence instant Criminal Misc. Application is allowed and the Station House Officer Police Station Boat Basin is directed to record the statement under section 154 Cr.P.C of applicant which is legal duty of the Station House Officer and if from the statement of the applicant a cognizable offence is made out against proposed accused within his jurisdiction, then to proceed in accordance with law.

Per learned counsel, facts have not been properly appreciated by the learned Judge, hence, the impugned order may be set aside.

Heard perused. This is an application per section 561-A Cr.P.C.¹, therefore, the applicant is required to make out a *prima facie* case that invocation of jurisdiction is merited to prevent abuse of process or to secure the ends of justice.

The impugned order directs a concerned officer to record a statement and proceed further in accordance with the law. The applicant's counsel has failed to demonstrate any infirmity in respect of the impugned order and nothing has been placed before this court to suggest that there is any abuse of process of court or that the ends of justice are in peril, hence, no case is made out to warrant any interference therewith.

In view hereof, this criminal miscellaneous application and listed applications are hereby dismissed *in limine*.

Judge

Anjad/P.A

¹ Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code; or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.