

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Misc. Application No. 399 of 2022**

*Date*

*Order with Signature of Judge*

1. For orders on M.A No.8561/2022.
2. For hearing of Main Case.

**11.08.2023**

Mr. Umar Farooq, Advocate along with Applicant.  
Mr. Zahoor Shah, Addl. Prosecutor General, Sindh.  
Mr. Shah Imroz Khan, Advocate for the Respondents.

*-x-x-x-x-x-*

**MUHAMMAD SALEEM JESSAR, J;** Though instant application, the applicant has assailed order dated 12.04.2022 passed by learned 10<sup>th</sup> Addl. Sessions Judge/Ex-Officio Justice of Peace, Karachi (East) in Criminal Misc. Application No.961 of 2022 re-Ghazala Rehman Versus SHO, P.S Ferozabad, Karachi and others (Ex-Officio Justice of Peace) whereby application filed by the applicant under Section 22-A (6) (i) Cr.P.C has been declined.

Learned counsel for the applicant submits that the applicant has made a simple prayer for recording her statement in terms of Section 154 Cr.P.C and after recording her statement, if a cognizable offence makes out, same shall be reduced in writing under the book being maintained at police station under Section 154 Cr.P.C.

Learned Addl. P.G, Sindh appearing for the State, after going through the file, does not oppose the application and opposes the impugned order and further submits that statement of applicant must be recorded by the SHO, P.S Ferozabad, Karachi.

Learned counsel for the respondents opposes the application on the ground that prima facie no cognizable offence makes out from her statement, therefore, application in hand merits no consideration and the impugned order does not suffer from any illegality or infirmity which may warrant interference by this Court.

I have heard learned counsel for the parties and have gone through the material made available before me on record.

Admittedly, the prayer made by the applicant in her application is to the effect that proposed accused had committed an offence from her house in her presence, therefore, she approached to SHO, P.S concerned for recording her statement, which the SHO being in league with the proposed accused had refused to record her statement. It is mandatory by law that if any informant may appear at police station and discloses factum of a cognizable offence, SHO or incharge of the police station shall record his/her statement and after recording such statement, if he deems that a cognizable offence has been made, same shall be reduced in writing under the book being maintained by the police under Section 154 Cr.P.C. The observations given by Ex-Officio Justice of Peace are contrary to law and against wisdom of the provision contained under Section 22-A (6) (i) Cr.P.C read with Section 154 Cr.P.C. Consequently, instant application merits consideration and is hereby allowed. Resultantly, impugned order dated 12.04.2022 passed by Ex-Officio Justice of Peace, being perverse, is hereby set-aside. Accordingly, SHO, P.S Ferozabad, Karachi is directed to record statement of the applicant as and when she may approach and if from her statement, any cognizable offence makes out, same shall be reduced in writing under Section 154 Cr.P.C. The compliance should be made in terms of Section 157 Cr.P.C as well under intimation to this Court through MIT-II. Learned MIT-II to ensure compliance.

**JUDGE**