

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

Criminal Miscellaneous Application No.S-422 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A.No.7037/2024.
	2. For orders on office objections.
	3. For orders on M.A.No.7038/2024.
	4. For hearing of main case.
	5. For orders on M.A.No.7039/2024.

09.07.2024

Mr. Khadim Hussain Laghari, Advocate for applicants.

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1. Granted.

2,3,4&5. The applicants have impugned the order dated 27.06.2024 rendered in Criminal Miscellaneous Application No.932 of 2024 by the Court of 2nd Additional Sessions Judge, Shaheed Benazirabad. The operative part thereof is reproduced hereinbelow:

"05. I have heard learned counsel for parties and carefully perused the contents of memo of application as well as the report of DSP Complaint Cell, SBA along with report of SHO PS Airport Nawabshah. Per available record the proposed accused had purchased katcha Gold on the credit basis and in lieu of that proposed accused Javed Ali given cheque to the applicant amounting to Rs.33,800,000/- dated 02-01-2024 of his account No.PK32FAYSO239 007000002059 being maintained with Faisal Bank Limited, Latifabad Branch, Hyderabad which was presented by the applicant but was returned by Bank authorities at Nawabshah under memo assigning the reasons thereon to be "closed/inactive account" such P.S copy of cheque along with its memo has been produced by the applicant which is taken on record. In this regard police enquiry report is also supporting the version of applicant regarding issuance of cheque by the proposed accused Javed Ali, which was dishonoured, however applicant has unnecessarily implicated proposed accused No.2 and 3 though they had not issued any cheque to the applicant. Further SHO has reported that applicant was not approached at police station into his mother but directly filed instant application. In view of such police enquiry report the matter is disposed of with following directions:-

- 1. The SHO P.S. Airport Nawabshah is directed to firstly verify cheque and its memo from concerned Bank and record the statement of applicant u/s 154 Cr.P.C and proceed further if cognizable offence is made out or otherwise, in a relevant register strictly in accordance with law.*
- 2. No arrest shall be made unless some material evidence is brought on record connecting the proposed accused with the commission of alleged crime.*

3. To conduct a detailed investigation in this matter. During investigation, if it appears that the allegations levelled by the applicant against the proposed accused No.1 are false, baseless and he has lodged false FIR with ulterior motive just to pressurize the proposed accused to compel him to accept his terms and conditions, then proceedings U/s 182 PPC be initiated against the applicant without fail.

06. The above mentioned application is hereby disposed off, in the above terms.”

Learned counsel was asked to demonstrate any infirmity in the impugned order, however, he has been unable to do so. The order has been perused and it could not be demonstrated that it was either without jurisdiction or could not have been rested on the rationale relied upon. In view hereof, this Criminal Miscellaneous Application appears to be devoid of merit and is hereby dismissed in *limine*.

Judge