

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

Criminal Misc. Application No. S-428 of 2023

DATE ORDER WITH SIGNATURE OF JUDGE

06.09.2024

Mr. Siraj Ahmed Bijarani Assistant PG.

Mr. Naeem Uddin Sahito advocate files vakalatnama on behalf of applicant, taken on record. He submits that though there appears sufficient evidence for registration of FIR against the proposed accused, however, same has not been considered by the Ex-Officio Justice of Peace. When was confronted with para No. 5, he conceded that one cheque is not in the name of applicant, however, other cheque is in the name of applicant.

From perusal of impugned order, it also reflects that by assigning reasons in para No. 5 learned Ex-Officio Justice of Peace has dismissed the application. Para No.5 is reproduced as under:

“On careful scanning of the record, it transpires that there is dispute between applicant and proposed accused over borrow amount, and in this regard, two cheques were issued. I have gone through the cheques and it transpires that the same belong to the account of “I am Real Estate” out of them, one cheque is not issued in the name of applicant being marked as “Cash”, whereas another cheque, though, appears to be issued in the name of applicant, yet showing some doubt as bearing use of different pens and handwriting. It is alleged by applicant that he gave borrow amount of Rs.3,500,000/- to proposed accused, yet both cheques showing that applicant had to receive an amount of Rs.3,437,950/-, which also throws a mist on the claim of applicant. In such circumstances, I am not inclined to issue any directions for recording statement of applicant and providing legal protection as applicant has not specified date, time and place of any incident of causing harassment and issuing threats to him nor shown the presence of any witness, therefore, instant application being devoid of merits stands dismissed.”

No illegality or any infirmity is found or pointed out in the impugned order. Result thereof this application is dismissed.

J U D G E

Ali Haider