

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-87 of 2023
(Atta Hussain Shah Vs. Syed Safdar Ali Shah & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objection.
- 2. For hearing of main case.
- 3. For hearing of MA No. 776/2023 (Stay)

23-02-2023.

Mr. Anwar Ali Lohar, advocate for the applicants.
Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

- 1. Over ruled.

- 2&3. The applicants by way of the instant Crl. Misc. Application have impugned order dated 03-02-2023 passed by learned Ist Additional Sessions Judge/(MCTC)/Ex-Officio Justice of Peace, Ghotki, whereby he has directed the police to record the statement of the private respondent for purpose of FIR with regard to theft of his cheque book etc. at the hands of the applicants.

- 2. It is contended by learned counsel for the applicants that the FIR which the private respondent is intending to lodge would be second in series as earlier one with regard to issuance of the cheque dishonestly by the private respondents has already been registered and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace, while passing the impugned order, therefore same is liable to be set aside by this Court.

- 3. None has come forward to advance arguments on behalf of the private respondent; however learned APG for the State by supporting the impugned order has sought for dismissal of the instant Crl. Misc. Application by contending that the offence alleged against the applicants is distinct in nature.

- 4. Heard arguments and perused the record.

- 5. The allegation against the applicants leveled by the private respondent is that they have stolen his cheque book and then have misused the same, it is distinct offence. Apparently no illegality is committed by learned Ex-Office Justice of Peace by directing the police to record statement of the private respondent for purpose of FIR by way of impugned order which may justify this Court to interfere with the same.

In view of above, the instant Crl. Misc. Application fails and is dismissed accordingly.

J U D G E

Nasim/P.A

