

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-115 of 2022
(Wajid Ali Korai Vs. The State & 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. 1031/2022 (Stay)

23-02-2023.

Mr. Ghulam Murtaza Korai, advocate for the applicant.
 Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

1. Over ruled.

2&3. The applicant by way of the instant Crl. Misc. Application has impugned order dated 09-10-2021 passed by learned IIIrd Additional Sessions Judge/Ex-Officio Justice of Peace, Mirpur Mathelo, whereby he has directed the police to record the statement of the private respondent for purpose of FIR with regard to death of deceased Shafique Ahmed allegedly at the hands of the applicant and others.

2. It is contended by learned counsel for the applicant that the private respondent is intending to involve the applicant and others in a false case; otherwise the deceased has died of his natural death as reported by the police and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace, while passing the impugned order, therefore it is liable to be set aside.

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 it is a murder case, which could not be left unattended.

4. Heard arguments and perused the record.

5. The allegation against the applicant and others leveled by the private respondent is that they have committed murder of Shafique Ahmed, who happened to be her son; such allegation being serious in nature could not be lost sight of only for the reason that as per police report death of the deceased was natural, which has not been substantiated with cogent proof. No illegality has been committed by learned Ex-Officio 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. Consequently; the instant Crl. Misc. Application is dismissed.

J U D G E

Nasim/P.A

