

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. S – 560 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objection at Flag-A
2. For hearing of main case
3. For hearing of MA No.4776/2022 (S/A)

26.02.2024

Mr. Sikandar Sadar Siddiqui, Advocate for applicant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Applicant has impugned order dated 19.10.2022, whereby direction to SHO, Police Station Jhangro has been issued by learned 2nd Additional Sessions Judge / Ex-Officio Justice of Peace, Sukkur for recording statement of respondent No.3 (*applicant therein*) and register the FIR, if cognizable offence is made out. The ground to challenge the order by the applicant is that in final medico legal certificate, the injury caused to respondent No.3 has been opined as non-cognizable in which FIR, as per law, cannot be registered.

Learned DPG has, however, submitted that no record is available whether the injuries caused by applicant to respondent No.3 / complainant or cognizable or not. He suggests that if in the medical certificate the injuries are non-cognizable, the SHO may be directed to follow the procedure stipulated U/S 155 CrPC, but if in the medical certificate the injuries are shown as cognizable, the procedure U/S 154 CrPC be adopted.

Learned Counsel for the applicant is agreed and this Cr. Misc. App. is accordingly **disposed of** along with listed application, in above terms.

J U D G E