

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-291 of 2023
(Raham Dil Malik Vs. SHO PS Site Area Sukkur & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of main case.
- 2. For hearing of CMA No. 4982/2023 (Stay)

01-03-2024.

None for the applicant.
None for the private respondents.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

- 1. Over ruled.
- 2. Heard learned DPG for the State.

On investigation, the report u/s 173 Cr.P.C was submitted by SHO PS Site Area Sukkur for cognizance FIR Crime No. 37/2023 u/s 337A(i), F(i), 504, 506/2, 114, 148, 149 PPC. It was disposed of by learned IIIrd Judicial Magistrate/(MTMC), Sukkur under “C” class vide order dated 02-05-2023 by making unnecessary and irrelevant discussion ignoring the fact that the burden to make out a case for cognizance is light, which could never be equated with the burden to prove the case at trial; consequently, the impugned order is set aside with direction to learned trial Magistrate to pass the same afresh after conducting further inquiry if need be by taking guidance from the law laid by Supreme Court of Pakistan in case of *Said Jalal and 2 others Vs. The State* (1972 SCMR 516).

The instant Crl. Misc. Application is disposed of accordingly.

Judge