

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No.S-795 of 2023

(Mst. Faizan Gopang Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For Orders on MA No. 6682/2023 (Ex./A).
3. For hearing of main case.

08-03-2024.

Syed Ali Aamir Shah, advocate for the applicant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged by the applicant that the proposed accused besides subjecting her to rape by violence, robbed her of her belongings. On the basis of such allegation, she by making an application u/s 22 A/B Cr.P.C sought for direction against the police to record her statement for purpose of FIR for the said incident, it was dismissed by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur vide order dated 24-10-2023, which is impugned by the applicant before this Court by way of instant Crl. Misc. Application under section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the cognizable offence has taken place; therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant. By contending so, he sought for setting aside of the impugned order with direction to police to record the statement of the applicant for the purpose of FIR.

None has come forward to advance arguments on behalf of the proposed accused. However learned DPG for the State did not support the impugned order by contending that the allegation made by the applicant against the proposed accused is serious and it requires probe.

Heard arguments and perused the record.

The allegation made by the applicant against the proposed accused is serious in nature; it requires probe and probe could only be undertaken after registration of formal FIR of the incident. In that situation learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of impugned order, it is set aside with direction to SHO PS Shaheed Murtaza Mirani to record statement of the applicant for the purpose of FIR and then to proceed with the case further in accordance with law.

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

JUDGE

Nasim/P.A

