

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-421 of 2023
(Dr. Muhammad Faisal Vs. The State)

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. 3745/2023 (Stay)

11-03-2024.

M/s Shamsuddin Kobhar, Anwar Ali Lohar and Nisar Ahmed Dharejo advocates for the applicant.
 Mr. Aftab Ahmed Shar, Additional Prosecutor General for the State.

1. Over ruled.

2&3. It is contended by learned counsel for the applicant that the applicant was neither named in the FIR by the complainant nor by any witness in their 161 Cr.P.C statement, yet he has been joined as an accused in case outcome of FIR Crime No. 35/2023, u/s 120-B, 221, 222, 223 PPC of PS Rohri by learned Ist Judicial Magistrate Rohri vide order dated 17-06-2023, same being illegal is liable to be set aside by this Court. In support of their contention, they relied upon case of *Muhammad Nasir Cheema Vs. Mazhar Javaid and others* (PLD 2007 Supreme Court 31).

Learned Additional P.G for the State recorded no objection to grant of instant Crl. Misc. Application.

Heard arguments and perused the record.

Apparently the applicant was not shown as an accused in charge sheet so furnished by the police; he is directed to be joined as an accused by learned trial Magistrate of his own that too without providing chance of hearing to him. In that situation impugned order only to the extent of applicant is set aside with direction to learned trial Court to join him as an accused on application so moved by the prosecution after recording some evidence, if it prima-facie suggests his involvement in commission of incident.

In view of above, the instant Crl. Misc. Application is disposed off accordingly.

Judge

Nasim/P.A.

