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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Misc. Appln. No.S- 45 of 2014.

Date Order with signature of Judge.

- 1.For orders on office objection as flag A.
- 2.For katcha peshi.

25.7.2016.

M/S Nisar Ahmed G. Abro and Abdul Razzak Jamali,
advocate for the applicant.

Mr. Nadeem Ahmed Tunio, ADPP for the State.

Mr. Mohammad Ashiq Dhamrah, advocate for the
respondents No.1,4 & 6.

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Through instant criminal miscellaneous application, the applicant/complainant has challenged the order dated 14.2.2014 whereby learned 1st Civil Judge and Judicial Magistrate, Jacobabad accepted summary report U/S 173 Cr.P.C for disposal of case under false class while converting the same under 'C' Class resultantly the F.I.R No.01 of 2014 was cancelled.

Learned counsel for the applicant interalia contends that this case relates to the injury on human body supported by eye witnesses as well as medical evidence but learned Magistrate ignored all the material facts brought on record hence the impugned order is against the principle of criminal administration of justice.

Learned ADPP contends that sufficient evidence was available to take cognizance hence he has also supported the impugned order. Whereas learned counsel for the private respondents contends that injured accused Lakhmir was nominated in another F.I.R and this is case of ulterior motives accordingly impugned order is rightly passed.

Perusal of F.I.R and medical certificate shows that this is a case of injury. Injured received serious injuries; remained in hospital;



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eye witnesses have supported the prosecution case. Accordingly, learned Magistrate without examining complete record particularly F.I.R and medical certificate stamped the report submitted by the investigating officer. Such conduct of Magistrate is apparently unjustified and un-warranted under the law.

Accordingly, the impugned order is hereby set aside with direction to the learned Magistrate that accused shall be arraigned and sent up for trial.


JUDGE