

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl: Misc. Appln. No. S – 500 of 2024

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

1. For hearing of main case
2. For hearing of MA No.4217/2024 (S/A)

07.02.2025

Mr. Rukhsar Ahmed M. Junejo, Advocate for the Applicant / proposed accused

Mr. Parmanand, Advocate for the private respondent

Syed Sardar Ali Shah Rizvi, Additional PG for the State

ORDER

Riazat Ali Sahar, J;- The applicant/proposed accused by way of instant Criminal Miscellaneous Application has impugned the order dated 04.09.2024 passed by learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Sukkur, whereby the application u/s 22-A(6)(i) & 22-B, CrPC, filed by the private respondent has been disposed of and SHO concerned has been directed to record statement of the private respondent.

Learned counsel for the applicant/proposed accused submits that the applicant had issued some blank cheques as security in respect of some civil transaction pertaining to agricultural lands, out of which one of the cheque bearing No.454353109 has been misused by the private respondent after fulfillment of the required columns of instrument and then filed an application U/s 22-A(6)(i) & 22-B Cr.PC before the Ex-Officio Justice of Peace/ Additional Sessions Judge-V, Sukkur whereby the private respondent sought order for lodging of a false FIR against the applicant/proposed accused. He further submits that the applicant/proposed accused apprehending that his subsequent cheques may also be used at latter stage against him in the same manner.

Conversely, learned Counsel for the private respondent submits that the proposed accused has managed false documents and issued a cheque which has been dishonoured,

hence he has committed a cognizable offence, therefore, he is liable to be prosecuted under the Law. He lastly prays for dismissal of the instant criminal miscellaneous application.

Learned Additional PG appearing for the State also supported the impugned order by contending that the learned Ex-Officio Justice of Peace has rightly directed the SHO concerned for recording the statement of the private respondent.

Heard learned counsel for the respective parties and perused the impugned order, which reflects that the learned Ex-Officio Justice of Peace while passing the impugned order has not committed any illegality. The applicant/proposed accused has issued a cheque to the private respondent, which on presentation has been dishonoured by the concerned Bank due to insufficient balance. In such circumstances, the impugned order does not call for any interference by this Court, which is maintained. SSP Sukkur is directed to depute any competent Officer not below the rank of DSP for proper investigation after lodging the FIR of the private respondent in compliance of the impugned order dated 04.09.2024 with regard to issuance of cheque, nature of transaction between the parties as well as validity of such transaction, genuineness of cheque and entire dispute between the parties. However, no arrest shall be made until some tangible / material evidence is brought on record.

Instant criminal miscellaneous application is disposed of along with listed application in the above terms.

Judge