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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-861 of 2017.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on M.A.No.6172/2017.
2. For orders on office objection 'A'.
3. For Hearing of M.A.No.6178/2017.
4. For Hearing of main case.

18.10.2017

Mr. Imtiaz Ali Mugheri, advocate for the petitioner.

1. Granted.
2. Overruled.
3. Granted subject to all just exceptions.
4. Through this petition, the petitioner seeks directions for the respondent No.1, i.e. SHO PS Bahoo Khoso, District Jacobabad, to conduct the investigation of case Crime No.22/2017 registered at said Police Station under section 337-H(ii), 506/2, 147, 149, PPC impartially, fairly and honestly.

Learned counsel for the petitioner submits that the petitioner lodged the aforementioned FIR on 01.09.2017 but till date no progress has been made by the Investigating Officer so much so the nominated accused have not been arrested.

At the very outset, learned counsel for the petitioner was put to notice to satisfy the Court on the point of maintainability of this petition, as alternate and efficacious remedy is available to the petitioner in terms of Section 22-A (6)(ii) & (iii), Cr.P.C before the Ex-Officio Justice of Peace. Learned counsel for the petitioner submits that since the jurisdiction of this Court is concurrent, the petitioner has preferred this petition.

We are afraid, the contention of learned counsel has no weight. An ex-officio Justice of Peace i.e. Sessions Judge and nominated Additional Sessions Judge in relevant District under section 25 of Cr.P.C has the power to issue appropriate directions to the Police authorities in respect of complains regarding non registration of FIR, transfer of investigation from one police officer to another and neglect failure or excess committed by a police official in relation to his duties. Section 22-A, Cr.P.C is intended to lessen the burden of High Court. Invoking of writ jurisdiction in presence of adequate remedy being

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available is not desirable under the law and remedy under Article 199 of the Constitution can be exercised only in case of non availability of adequate relief. Even in the cases of concurrent jurisdiction, the petitioner should approach as first instance to lower forum.

Since in the instant petition, the relief claimed by the petitioner comes within the ambit of Section 22-A(6)(ii)(iii), Cr.P.C, which is equally efficacious remedy for the redressal of the grievances, this petition is dismissed in limine being not maintainable. However, the petitioner is left at liberty to approach the concerned Ex- Officio Justice of Peace for redressal of his grievances, if so advised. 0

