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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Criminal Misc. Application No. D- 14 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection 'A'
2. For Katcha Peshi.

02.9.2014

Mr. Muneer Ahmed Khokhar, advocate for the applicant.

Mr. Imtiaz Ali Jalbani, APG.

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This is a case where the applicant has challenged the order dated 21.8.2013 passed in Criminal Complaint No. Nil, filed in 2012.

The facts in brief are that Habib Bank Limited filed a suit for recovery of the outstanding amount against the applicant/complainant which was decreed. Annoyed and disagreed with the judgment and decree, the applicant filed First Appeal No.03/2001 which was disposed of on 19.7.2001 where after payment of outstanding amount of Rs.11,56,767/- in the year 2001 was made. Subsequently, it appears that a Suit No.18/2009 (Old No.43 of 2002) was filed seeking declaration that the alleged amount has been illegally recovered. Although without prejudice to the rights of the parties such declaration/relief against the judgment and decree and which has been upheld by the Division Bench of this Court, apparently and prima facie not available, be that as it may, it appears that a Direct Complaint has been filed on the basis of some statements which were recorded in the suit No.18/2009 having old No.43/2002. Although it is a claim of the applicant that some false statement has been given by the alleged witness however no application in response thereto has been filed before the concerned Court. That matter concerning false statement on oath has to be made out before the same Court. The provisions of Section 195, Cr.P.C provides a way out mechanism for the redressal of grievance to ascertain offences relating to recording of false statement. Apparently, neither any cognizance was taken by the concerned Court nor any application has

been moved by the complainant. The Suit NO.18/2009 has already been dismissed wherein such false statement claimed to have been recorded and an appeal is pending adjudication which would be decided in the due course of time. This having no merit is dismissed.

Judge

Judge

Abid H. Qazi/\*\*