

ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Misc. Application No.S-155 of 2024.

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection "A".
2. For hearing of M.A No.2107/2024. (E/A)
3. For hearing of main case.

05-03-2025

Mr. Habibullah G. Ghouri, advocate for the Applicant.

Mr. Muhammad Afzal Jagirani, advocate for Respondents.

Mr. Aitbar Ali Bullo, DPG for the State.

Khalid Hussain Shahani, J.- The applicant, Manzoor Ali Khakhrani, has invoked the inherent jurisdiction of this Court under Section 561-A of the Code of Criminal Procedure (Cr.P.C.), seeking judicial review of the order dated 10.05.2024, issued by the learned 01st Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana, in Criminal Miscellaneous Application No.643/2024. The impugned order was rendered under Section 22-A(6)(1) Cr.P.C, whereby the applicant's petition was dismissed.

2. The case put forth by the applicant is that on 11-01-2024, in early hours of the morning, proposed accused entered into his village to arrest absconding accused; nevertheless, they failed and looted 25 heads of cattle/buffaloes of applicant from his house. Such fact compelled the applicant to approach concerned PS, but to no avail.

3. It is a well-established principle of law that the exercise of jurisdiction under Sections 22-A Cr.P.C. is designed to safeguard the rights of aggrieved individuals by ensuring their access to legal remedies in cases where law enforcement authorities fail to register a cognizable offense. However, the Honorable Supreme Court has consistently underscored that such jurisdiction must be exercised with due circumspection, particularly in instances where allegations are speculative, lack evidentiary substantiation, or appear to be motivated by extraneous considerations.

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4. Learned counsel for the applicant contended that the learned Ex-Officio Justice of Peace failed to duly consider the evidentiary and circumstantial aspects of the case and erroneously dismissed the application without applying judicial mind. He asserted that on 11.01.2024, the proposed private accused, in collusion with police officials and armed with lethal weapons, unlawfully trespassed into the applicant's premises under the pretext of apprehending criminals and unlawfully confiscated 25 heads of buffaloes. The applicant made exhaustive efforts to recover the cattle, ultimately managing to retrieve 13, while the remaining young cattle were allegedly detained unlawfully at a cattle pen in Naseerabad town. Learned counsel emphasized that such allegations, substantiated by material facts, warrant the registration of a criminal case and necessitate a thorough and impartial investigation, in light of the jurisprudence established by the Honorable Supreme Court of Pakistan, which underscores the obligation of law enforcement agencies to act within the confines of the law and protect the rights of individuals.

5. The initiation of criminal proceedings must be predicated upon concrete and admissible evidence rather than conjectural assertions. The record indicates that the applicant's brother is/was implicated in multiple criminal cases. Reports from the Incharge District Complaint Redressal Cell, Larkana, and the concerned Station House Officer (SHO) reveal that the applicant, his brother, and other family members, including female relatives, have a history of criminal involvement, with a total of 94 registered cases. Furthermore, the alleged eyewitnesses, namely Mst. Ameena Khakhrani and Mst. Hazooran Khakhrani, have been declared proclaimed offenders in criminal cases bearing Crime Nos. 20/2013 and 25/2009 of Police Station Rasheed Wagan. The official report categorically negates the occurrence of any such incident as alleged by the applicant. This pattern of events strongly suggests that the present application is an attempt to exert undue pressure on the proposed accused by manipulating legal proceedings. In light of the jurisprudence set forth by the Honorable Supreme Court of Pakistan, which mandates that judicial forums must not be misused for ulterior motives or personal vendettas, a review of the present matter must conform to the principles of fairness, legal propriety, and evidentiary sufficiency.

6. The allegations presented in the application lack legal probity and evidentiary support, as the purported incident appears to be an offshoot of the multiple criminal cases registered against the applicant and his family members. It is a settled principle of law, as

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enunciated by the Honorable Supreme Court of Pakistan, that mere allegations, unsubstantiated by corroborative evidence, cannot serve as the foundation for instituting criminal proceedings. The burden of proof lies squarely on the complainant to furnish prima facie evidence establishing a direct link between the accused and the alleged offense. However, in the instant matter, no such material has been placed on record to meet the legal threshold required for criminal prosecution.

7. The Honorable Supreme Court of Pakistan has consistently held that criminal law must not be employed as an instrument for settling personal disputes or advancing retaliatory claims. In view of this settled jurisprudence, the present application does not satisfy the essential legal criteria warranting judicial interference.

8. The impugned order is premised on a sound judicial analysis of the available record and aligns with the principles of justice as enshrined in the judgments of the Honorable Supreme Court of Pakistan. Considering the absence of substantive evidence and the well-established jurisprudence discouraging the adjudication of claims rooted in speculation or retaliatory motives, no grounds exist for intervention in the exercise of this Court's Revisional Jurisdiction. Consequently, the instant Criminal Miscellaneous Application, being bereft of legal merit, stands dismissed.


JUDGE

Asghar Altaf/P.A