

ORDER SHEET

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

Criminal Misc. Application No.D- 13 of 2020.

DATE OF HEARING

ORDER WITH SIGNATURE OF HON'BLE JUDGE

- 1.For orders on office objection as flag A.
- 2.For hearing of main case.
- 3.For orders on M.A No.4657/2020.

29.4.2025.

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

Mr. Aitbar Ali Bullo, D.P.G.

ORDER.

AMJAD ALI SAHITO-J.:- Through this criminal miscellaneous application, applicants have impugned show cause notice dated 21.10.2020 under Section 194 Cr.P.C issued by learned 1st Additional Sessions judge, Kandhkot vide judgment dated 13.10.2020 passed in C.N.S Case No.24 of 2019 Re: State v. Naseeb Pathan wherein the learned trial court vide judgment dated 13.10.2020 acquitted accused Naseer S/O Mehran Pathan and issued show cause notice under Section 194 Cr.P.C to the complainant and witnesses namely Agha Ayaz and Mir Hassan, therefore, being aggrieved they have filed instant application.

Per learned counsel on the basis of entry which was kept by Levi Police at Pashin Headquarter the accused was acquitted by the learned trial Court. He further submits that Levi Police is not officially declared by the Government of Baluchistan but it is in fact landlord's force and having no status of police. He submits that in fact the police officials arrested the accused and recovered the charas alongwith stolen car as well as a pistol. On the basis of simple entry of Levi Police learned trial Court has acquitted the accused whereby committed gross illegality. He submits that the issuance of show cause notice is against the law as such same may be set aside/vacated.

On the other hand, learned D.P.G while supporting the arguments advanced by the learned counsel for the applicants, extended no objection.

Heard learned counsel for the parties and perused the material brought on record.

Perusal of record reflects that on spy information the police party headed by Inspector Agha Ayaz Ahmed Pathan intercepted a Vitz car having Registration No.AAP-0813, recovered charas and unlicensed pistol when the police officials enquired from accused Naseer Pathan about the valid documents of the vehicle but he could not produce the same. Case was registered and the investigation followed and finally accused/respondents No.2 was sent up to stand trial. After framing of the charge, the case was proceeded and only on the basis of entry which was produced by the defence kept at Police Station headquarter Pisheen by Levi Police, learned trial Court acquitted the accused without considering that same was kept by the person at Police Station without any valid reason. On the other hand, police party left the police station produced the roznamcha entries which shows their movement so also memo of arrest alongwith FIR. Sufficient material was available on record but the same was not considered by learned 1st Additional Sessions Judge/MCTC/Special Judge for CNS Kandhkot and acquitted accused only on this ground which is in fact not a valid ground to acquit accused person and issue show cause notice to police officials which is not in accordance with law.

In view of above, instant criminal miscellaneous application is allowed. The show cause notice dated 21.10.2020 under Section 194 Cr.P.C issued by learned 1st Additional Sessions Judge, Kandhkot against the applicants is hereby vacated.

The application stands disposed of in above terms.

JUDGE

JUDGE

Shabir/P.S