

## ORDER SHEET

### IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No.S-391 of 2025

Date of hearing	Order with signature of Judge
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#### Hearing of case

1. For hearing of main case
2. For hearing of CMA No.3362/2025 (S/A)

21-7-2025

Mr. Saleem Ahmed Maitlo, Advocate for the applicant  
Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh

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Mr. Asif Ali Jatoi, Advocate files Vakalatnama on behalf of the respondent No.4, and statements have been filed by official respondents No.2 and 3, the same are taken on record.

2. Learned Counsel for the applicant has impugned order dated 28.6.2025, passed in Crl. Misc. Application No.2364/2025, filed by the respondent No.04, under Sections 22-A and 22-B Cr.P.C which was allowed by the Court of learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Khairpur. Learned Counsel for the applicant has argued that the instant cheque was issued as surety and there was friendly relationship between the parties. He has further argued that after the relationship between the parties turned sour, thereafter in order blackmail the present applicant, the respondent No.4, deliberately deposited the said cheque to ensure that he could lodge an FIR against the present applicant. He has further argued that the intention requires u/s 489-F PPC is missing as apparent from the record.

3. Conversely, learned counsel for the respondent No.4 as well as learned DPG have argued that no illegality has been pointed out in the impugned order and the instant Crl. Misc. Application is liable to be dismissed.

4. I have heard all the learned counsels for the parties and have perused the record.

5. The operative part of the impugned order is reproduced as under:

*“A review of the record indicates that the proposed accused, Ghulam Abbass, received an amount from the applicant and issued a cheque, which was dishonored on 22.05.2025. The proposed accused then allegedly issued threats to the applicant. The applicant’s account reveals a cognizable offence, warranting further investigation. Accordingly, I am of the considered view that the applicant has prima facie substantiated his case for issuing directions to record his statement. Therefore, this application is allowed. The applicant is directed to approach respondent No. 3, SHO PS B-Section Khairpur. The SHO is directed to record the applicant’s statement, and if a cognizable offence is established, the same shall be entered in the 154 Cr.P.C. book for investigation, in accordance with the law. If the applicant’s statement is found false during the investigation, the SHO may initiate proceedings under Section 182 PPC against the applicant. A copy of this order shall be communicated to the concerned SHO for compliance, with a report due within one week.*

6. It is apparent from bare perusal of the aforesaid order that the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Khairpur has directed that the statement of the respondent No.4 to be recorded **“only”** if cognizable offence is made out, the FIR is to be lodged. It is further observed that I am not inclined to render any observation regarding the purpose, for which, subject cheque was issued. I do not find any illegality with the impugned order and find the same to be well reasoned, thus, the instant CrI. Misc. Application in light of the above noted fact is hereby dismissed.

J U D G E