

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Misc. Appln. No. S- 649 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For hearing of main case.

ORDER
27.10.2025

Mr. Syed Zahid Ali Shah, advocate for the applicant
Mr. Gulzar Ahmed Malano, Assistant P.G for the State

KHALID HUSSAIN SHAHANI, J.– Syed Yousif Shah, the applicant, has invoked the inherent jurisdiction of this Honourable Court impugning the order dated 30.05.2025 passed by the learned Additional Sessions Judge-II/Ex Officio Justice of Peace, Naushahro Feroze. The said order dismissed the applicant’s petition under sections 22-A and 22-B of the Code of Criminal Procedure, whereby he sought directions to the SHO Police Station Naushahro Feroze for registration of an FIR.

2. Respondents No. 8 and 13 are present in compliance with the notice issued by this Court.
3. Learned counsel for the applicant submits that subsequent to the filing of the aforementioned application, the applicant (injured party) was directed for medical examination by the learned Additional Sessions Judge/Ex-Officio Justice of Peace. A provisional medico-legal certificate was accordingly issued. However, before the final medico-legal certificate was produced, which reflects injuries No.1 and 2 as “*Jurh Ghyr-e-Jaifah Munnaqilah*” and “*Jurh Ghy-r-e-Jaifah Hashimah,*” both constituting cognizable offences, the impugned order was passed prematurely. The learned counsel places on record the final medico-legal certificate, urging that the same ought to have been duly considered by the learned Justice of Peace before dismissing the application.

4. The learned Assistant Prosecutor General, appearing for the State, concedes that in light of the final medico-legal certificate, the matter warrants remand to the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace Naushahro Feroze for reassessment and fresh determination.

5. It is observed that the impugned order was rendered without due consideration of the final medico-legal certificate, which clearly indicates injuries of a cognizable nature. This omission vitiates the impugned order. Accordingly, this Criminal Miscellaneous Application is disposed of by remanding the matter back to the learned Additional Sessions Judge/Ex-Officio Justice of Peace Naushahro Feroze for passing afresh order, strictly in accordance with law, after due examination of the final medico-legal certificate of the injured. The learned Court below shall finalize the order within a period of seven (7) days from the receipt of this order.

6. The parties who are present before this Court are directed to appear before the said learned Court without necessity of issuance of further notice.

J U D G E