

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI
Cr. Misc. Appln. No. 800 of 2023.

Date

Order with signature of judge

For hearing of main case.

23.09.2025.

Mr. Sajjad Ali, advocate a/w the applicant.

Mr. Munwar Ali Dahri, advocate for the respondents.

Mr. Mohammad Noonari, D.P.G.

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Learned counsel for the applicant states that he has lodged FIR on 25.8.2023 for the incident occurred on 29.10.2022 with regard to the offence of wrongful confinement, injuries and intimidation. He further states that the investigating officer has not cooperated with the complainant and wrongly mentioned that the applicant was not present at the crime scene in view of CDR of location. He took me to the annexure C page 35 of the file wherein police officer submitted a report in Cr. Misc. Appin. No 397 of 2022 before 2nd Additional Sessions Judge, Karachi East. According to learned counsel for the applicant the presence of the applicant at crime scene is admitted by the respondents.

On the other hand, learned D.P.G as well as learned counsel for the respondents have supported the impugned order.

I have heard learned counsel for the parties as well as learned Addl. P.G and perused the record.

I have considered the reasons enumerated in the challan and the police report under C Class submitted before learned Magistrate. Apparently. I.O has dealt with every point of investigation. With regard to the injuries, no medical certificate or other crime scene evidence has been produced. Only

statement of the victim is available which though alone is sufficient for prosecution, however, there seems no factual matrix pointing wrongful confinement. The I.O has submitted that at the crime scene no container was available in which, according to the applicant, he was kept incarcerated. The I.O further submitted that no video recording was available or recovered from the possession of the respondents as they have denied such allegations. As for last offence with regard to the intimidation, according to learned D.P.G there are multiple litigation over some property dispute in which respondents have lodged FIR No.574 of 2023 and so also they have filed five applications under Section 22 A and B (6) Cr.P.C and so also two similar applications have been filed by the applicant.

I have seen the impugned order which is well reasoned in which learned Magistrate has dealt with all points involved, therefore, this criminal miscellaneous application is not maintainable and dismissed.

JUDGE

Shabir/P.S