

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.Misc.Appln:No.S-227 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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04.11.2025

Syed Muhammad Waseem Shah, advocate for repsondents
No.3to5.
Mr. Irfan Ali Talpur, D.P.G along with Inspector Mahboob Alam
SHO PS Umar Sand Tando Allahyar.
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On the last date of hearing by consent counsel fixed this matter for hearing today. However, none is present on behalf of the applicant, no intimation is received. On perusal of the documents available on the file it appears that on 28.02.2025, the applicant/complainant has alleged a crime occurred as against one Kamran son of Muhammad Umer and Nauman son of Hafiz, resulting in injuries which are supported by MLC dated 22.03.2025 available on Page-27 and 29. It also transpires from the record that subsequent to the above mentioned occurrence another incident took place i.e. almost one (1) month later i.e. on 21.03.2025, which culminated in FIR No.25 of 2025 resigstered at PS Umer Sand. Although, the copy of the FIR is available, yet it is in Sindhi language, therefore with the assistance of learned D.P.G this bench is informed that the reference to the crime FIR No.25 of 2025 is limited to the incident that occurred on 21.03.2025 and there is no reference to the incident of 28.02.2025.

2. Counsel for the respondent has argued that the impugned order passed by the Ex-officio Justice of Peace dated 16.04.2025 reaching the conclusion that the two incidents of 28.02.2025 and 21.03.2025 is the same is correct because the applicant/complainant's application filed before Ex-officio Justice of Peace was prior to the FIR and was also not mentioned in the subsequent FIR. Therefore he argues that the application before the Ex-officio Justice of Peace is an after thought. Further he contends that because no MLCs were produced befoe the Ex-officio Justice of Peace when he heard

the application therefore at this stage this Court cannot consider the same. He contends that Ex-officio Justice of Peace has also noted that there were no witnesses and the location of the alleged evidence was not mentioned by the applicant/complainant. Finally counsel for the respondent contended that dispute between the parties is in relation to the water right seaverage.

3. Learned D.P.G submits that the photocopy of the final MLC may be relied upon at this stage subject to his contention that the original ought to have been called by the bench.

4. Heard arguments and perused the record.

5. It appears that at the present stage of deciding this matter, the Ex-officio Justice of Peace had to consider at the most tentative level if, there was any information available on record whereby alleged cognizable offence could be made out. This was the extent of his scope of consideration based on information. In the instant case, I have perused the MLC available on the page and find that there is tentative information here available for recording of further statement although further information may also be required as pointed out by the Ex-officio Justice of Peace. Therefore, in the circumstances the police authorities are directed to record the further statements of injured persons Kamran and Nauma and take action, if any, in accordance with law.

6. In view of the above, the Criminal Miscellaneous Application is allowed in the above terms.

7. No prejudice should be caused to either parties claims and before the police authorities as a result of any observations made by this bench in this order.

JUDGE