


ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Misc. Appln. No. S-154 of 2024

Applicant	Muhammad Aslam s/o Muhammad Ayoob Bullo, through Mr. Sarfraz Ali Abbasi, advocate
Respondent No.1	Shahid Ali s/o Haji Nazar Ali Jamali Through Mr. Muhammad Afzal Jagirani, advocate
The State	Mr. Ali Anwar Kandhro, Additional Prosecutor General for the State
Date of hearing:	24-06-2024
Date of Order:	24-06-2024

MAHMOOD A. KHAN, J.- By way of instant criminal Misc. Application, the order dated 14.05.2024, passed by the learned I-Additional Sessions Judge/Ec-Office Justice of Peace, Mehar passed in Cr. Misc. Appln. No.966/2024, has been impugned, whereby the learned Ex-Officio/Justice of Peace had passed the order requiring statement of the applicant to be recorded and in case a cognizable offence is made out, the F.I.R be lodged. It is also observed in the said order that protection as to arrest is also provided without any tangible material being present.

2. Learned counsel for the applicant contends that the incident is reported to be of 22.03.2024 when the present applicant was not the S.H.O and it has wrongly been so alleged in the complaint file. It is also contended that complaint cell has not been approached in the matter, whereas the party seeking entertainment of Section 22-A & B Cr.P.C in view of the case reported as 2013 P.Cr.L.J 813 Sindh, requires to have clean hands which is not available in the present case as an advocate has appeared on the scene for an offence alleged to have happened to his brother and he is not personally a witness of the same. Learned counsel further contends that the order is being passed without consideration that the complainant in the matter has diverted his attention and anger towards the present applicant althohgh he is himself nothing to do with the actual crime. 

3. Learned counsel for the complainant as well as learned Additional Prosecutor General have, however, supports the impugned order contending that the order has rightly been passed after due process of law.

4. Heard learned counsel for the applicant, learned counsel for the complainant, learned Additional Prosecutor General and perused the material available on the record.

5. As already observed above that due protection has already been provided in the matter. It is to be observed that in case a criminal act has taken place and is reported same is liable to be investigated as provided in law. Apparently no disturbance to the occurring of the incident wherein the overt act has been bought up is in question and in the said circumstances where the existence of the overt act is not in dispute, the investigation in cognizable offence has to take place

6. No material has been shown whereby the impugned order is found liable to be disturbed. In the said circumstances, the present application having no merits is hereby dismissed without any disturbance to the impugned order.


JUDGE

Abdul Salam P.A