

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Criminal Misc. Application No. S-422 of 2024

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

1. For hearing of main case.
2. For hearing of CMA 3438/2024 (S/A)

**23.09.2024**

Mr. Abdul Mujeeb Shaikh, Advocate for applicants.  
Mr. Aftab Ahmed Shar, Additional P.G

-.-.-.

Process reported served, however, the private respondents in the matter is called absent. Service was effected earlier also, however, as the report was not available hence the show cause notice was issued and the purpose being served, show cause stands withdrawn.

Record shows that order dated 25.07.2024 as passed by learned Sessions Judge/Ex-officio Justice of Peace, Ghotki in Criminal Misc. Application No. 2049/2024 has been impugned in the matter whereby directions have been issued for recording of statement and lodging of FIR in case cognizable offence is made out.

Learned counsel for the applicant in this regard has referred to the application filed in the matter contending that the accusation made in the matter was not of a nature requiring cognizance. He further contends that the Bhatta was alleged whereas present applicant being a SEPCO official had already lodged the required FIR bearing crime No.223/2024 dated 18.07.2024 before Police Station Ghotki and as such without any requirement of the said order same has been passed although in the circumstances there is any probability of seeking any BHATTA.

Learned Addl.P.G does not support the impugned order. He further contends that no offence as alleged could be considered as the seeking of BHATTA can only be constructed in respect of an illegal act whereas in the present case the actions were available in accordance with law. That the offence otherwise as may be available the allegations required are not available as such the alleged offence

could not be made out. He further contends that the order is liable to be set aside.

Having heard learned counsels and gone through the record.

It may be observed that under Section 22-A B Cr.P.C Justice of Peace is required to look into the nature of the allegations made. The element of cognizance for lodging of FIR is provided under the schedule of Criminal Procedure Code whereas the act itself is not found cognizable, the entertainment of learned Sessions Judge for lodging of FIR is not available in the first instance. In the present case without commenting upon the perception of SEPCO officials as may be prevailing, yet the right to be judged and to be treated in accordance with law cannot be denied and deprived. It was also surprising to observe that the impugned order does not refer to lodging of FIR brought on record before learned Justice of Peace. It is also observed that in respect to the alleged injuries no report was present on record. As such the impugned order to be perverse and without the support of any material present on record.

For the foregoing reasons the impugned order stands set aside, however, the parties may approach the relevant forum for redressal of their grievance, if any and so advised. With above observation, instant Criminal Misc. Application stands disposed of in the above terms.

JUDGE

Irfan/PA