

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Crl. Misc. A. No.70 of 2013.

Date	Order with signature of Judge
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For Katcha Peshi.

31.03.2014.

Mr. Yasin Ali, Advocate for Applicant.

Mr. Abdullah Rajput, APG.

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The applicant is aggrieved by the order dated 03.09.2012 whereby FIR No. 18/2012 under Sections 395, 452, 506/2, 427,147, 148, 149 and 504 PPC lodged by Security Supervisor of M/s. Shah Murad Sugar Mills Ltd., against 22 to 33 duly armed accused persons have been appeared as cancelled class. SHO has placed report on 26.07.2012. The petitioner has contended that the police instead of investigating remained silent and without notice to the complainant and visiting the place of incident interviewed accused parties and after examining the accused party, the concerned I.O. submitted report under Section 173 Cr. P.C. for disposal of the case under ‘C’ class. The Judicial Magistrate’s orders impugned is reproduced as under:-

“ORDER. 3.9.2012.

Heard. Perused the police papers. It appears prosecution witnesses not fully supported the version of complainant. There is no Medical Certificate, the evidence collective by I.O. is in sufficient to take out prima facie case. Summary approved by ADPP Thatta. Hence summary is approved as cancelled Class.

Accused are discharged.

Sd/-3.9.2012.

Civil Judge & J.M. Mirpur Bathoro.”

The very fact that the Judicial Magistrate's order speaks about the Medical Certificate gives an impression that the case was in the nature of injuries caused to the complainant or any one in the factory, appears to be complete lack of application of mind to the facts of FIR. Unfortunately in the FIR there is no mention of bodily injuries on complainant party and the order is that there is no support case of prosecution is perverse. The learned APG has also supported the contention that this order is on the fact of it contrary to the law. In the circumstances this order is set aside and the Judicial Magistrate is directed to examine the complainant party as well as respondents before passing speaking order on the report of the I.O.

With the above direction Crl. Misc: Application No.70 of 2013 stands disposed off.

**J U D G E**

Gohar PS