

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appl. No.S-111 of 2010
Cr. Misc. Appl. No.S-425 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.09.2014.

Applicant No.1 in person.
Mr. Shahid Ahmed Shaikh Asstt. A.P.G
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In both these Cr. Misc. Applications, the applicant has sought quashment of the proceedings arising out of FIR No.78/2007 of P.S. Hussainabad Hyderabad u/s 468, 471, 420, 34 PPC pending before learned Vth Judicial Magistrate Hyderabad.

The applicants filed an application u/s 249-A Cr.P.C before the learned trial court which was dismissed on 24.05.2008 and applicants preferred Cr. Revision application which too was dismissed by learned Ist Additional Sessions Judge, Hyderabad and then the applicants filed Cr. Misc. Application No.S-111/2010 before this court.

The applicants repeated the same application u/s 249-A Cr.P.C before the learned trial court and on dismissal of their application u/s 249-A Cr.P.C and Cr. Revision Application u/s 439 Cr.P.C by the learned revisional court, the applicants have filed Cr. Misc. Appl. No.S-425/2013.

The applicant No.1 has mainly contended that the learned trial court has no jurisdiction to try the matter as the complainant was not competent to lodge FIR against the applicants on the allegations that the applicants produced fake and forged documents before the court, when such court did not make any complaint. He further contended that the learned trial court has failed to determine such point of jurisdiction. He has relied upon the

case of Saeed Ahmed Vs. The State and 3 others (1998 P Cr. L J 1508)

wherein it has been held as under:-

õJurisdiction. Determination. Whenever Trial court was called upon to determine its jurisdiction, it would have to scrutinize the entire, available and obtaining record, statements, testimonies and material for the purpose of determining jurisdiction.

It is stated by the counsel for the parties that evidence has been completed before the trial court and there is no dispute regarding evidence recorded by the leaned trail court. By consent, these Cr. Misc. applications are disposed of with directions to the learned trial court to decide the case on merits within one month from the date of receipt of this order and that while deciding the case on merits, he should also determine the question of jurisdiction of trial court.

The Cr. Misc. Applications are disposed in the above terms alongwith pending applications.

JUDGE

A.K