THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Criminal Misc. Application No. S-157 of 2026

Applicant	:	Shahid Anjum Through Mr. Mr. Rafique Ahmed K. Abro, advocate
Respondent No.3	:	Inayatullah Through Mr. Ghulam Shabir Jatoi, advocate
The State		Through Mr. Sardar Ali Solangi, D.P.G.
Date of hearing	:	23-07-2026
Date of order	:	23-07-2026

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O R D E R

JAWAD AKBAR SARWANA, J.- Through this Criminal Misc. Application, filed under Section 561-A Cr.P.C, the applicant/complainant has assailed the impugned order dated 21.04.2026, passed by the learned Additional Sessions Judge-II/Ex: Officio Justice of Peace-V, Shahdadkot, rejecting the application U/S 22-A & 22-B Cr.P.C of the applicant/complainant on the ground that no case is/was made out for recording the statement of the applicant/complainant-Shahid Anjum even though the matter involved a dishonored cheque issued to him by the proposed accused-respondent no.3-Inayatullah (drawer) and supported by a memo from the bank stating its reason was “insufficient funds in drawer’s account”.

2. I have gone through the impugned order dated 21.04.2026 and note that the learned Ex-Officio Justice of Peace, while deciding the application, inter alia, also compared the signature of the proposed accused/respondent no.3 appearing on the cheque issued by him with the signature of the proposed accused available on his CNIC, and concluded that the signature on the cheque was allegedly fabricated, even though as per the information available on record, the bank had

stated that the reason for dishonorment of the cheque was “insufficient funds in drawer’s account”, and had nothing to do with signature did not match. When the bank, which deals with customers' cheques on a daily basis and routinely compares signatures of its customers on cheques, did not dishonor the bounced cheque on account of the signature of the drawer differing from the signature available in the bank’s database/record/signature card (notwithstanding that cheque signature is today verified electronically by NIFT), it does not appeal to reason how the Ex-Officio Justice of Peace proceeded to arrive at an entirely different conclusion for the bounced cheque. This deep dive taken by the Ex-Officio Justice of Peace and other observations made by him in the impugned Order attempting to determine whether a cognizable offence was made out, viz. an intention of dishonesty could be demonstrated, was well beyond the powers available to the Ex-Officio Justice of Peace under Section 22-A and B, Cr.P.C. In the instant case, the Ex-Officio Justice of Peace had clear information available on record to trigger the provisions of Section 22-A Cr.P.C. and ought to have referred the matter to the police official for recording of statement of the complainant/applicant.

3. As per law, any person who has information of an offence having been committed is entitled under the law to provide such information to the police station. In the circumstances, once such information is provided, it is up to the police officer to determine whether any offence is revealed, or, if an offence is revealed, whether it is cognizable or non-cognizable. The Code of Criminal Procedure and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information is provided.

4. Given the above, the concerned police officer is directed to record the statement of the applicant/complainant. The police official shall apply his own mind and act in accordance with law. It is hoped and expected that the police officer shall behave in a neutral, fair, and

professional manner, and will not arrest any person without the availability of any evidence of his culpability.

5. Accordingly, the impugned order is set aside, and this Criminal Miscellaneous Application is allowed in the above terms.

JUDGE

Abdul Salam/P.A