

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-01 of 2023
(Illmuddin Mangnejo Vs The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objections.
- 2. For hearing of main case.
- 2. For hearing of CMA No. 09/2023 (Stay)

04-12-2023.

Mr. Shafi Muhammad Bango, advocate for the applicant.
Mr. Ghazanfar Abbas Jatoi, advocate for the private respondent.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

IRSHAD ALI SHAH, J.-. The applicant by preferring the instant Crl. Misc. Application has impugned order dated 28-12-2022 passed by learned IVth Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur, whereby he has directed the police to record statement of the private respondent for purpose of FIR.

2. It is contended by learned counsel for the applicant that the parties are disputed over landed property and the private respondent in order to satisfy such dispute is involving the applicant in a false case by leveling allegation of ineffective firing against him and others and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace while passing the impugned order; therefore, such order being illegal is liable to be set aside.

3. Learned DPG for the State did not support the impugned order. However learned counsel for the private respondent by supporting the impugned order has sought for dismissal of instant Crl. Misc.

Application by contending that the allegation against the applicant and others constitutes a cognizable offence.

4. Heard arguments and perused the record.

5. It is the case of ineffective firing; the parties are disputed over landed property. In that situation the contention of the learned counsel for the applicant that the private respondent in order to satisfy his dispute with applicant on landed property is intending to involve him in a false case could not be lost sight of. In these premises the impugned order is set aside. However, the private respondent may exhaust his remedy u/s 200 Cr.P.C if so is advised to him.

6. The instant Crl. Misc. Application is disposed of accordingly together with listed application.

Judge

Nasim/P.A

