

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Crl. Misc. Appln. No. S-542 of 2025

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
------------------------	--------------------------------------

- 1. For Orders on office objection.
- 2. For hearing of main case.

**ORDER**  
**06.10.2025**

Mr. Miran Bux Shar, Advocate for the applicant  
Mr. Muhammad Raza Katohar, DPG for the State  
\*\*\*\*\*

By way of the present application, the applicant Muhammad Ibrahim invokes the inherent jurisdiction of this Court to challenge the order dated 01.09.2025 rendered by the learned Judicial Magistrate, Nara, in a case bearing crime No.24/2025, for offences under sections 337(u), 337A(i) F(i), 506(2), 452, 147, 148, and 149 of the Pakistan Penal Code, registered at Police Station Khenwari. The impugned order took cognizance of the case against the applicant despite the submission of a "B" class report under section 173 Cr.P.C for disposal.

2. Learned counsel for the applicant submits that the learned Magistrate’s observation regarding statements recorded under section 161 Cr.P.C. purportedly not supporting the FIR is factually incorrect. Contrary to the Magistrate's finding, all material witnesses have supported the complainant’s version as detailed in the FIR. Further, the applicant contends that the medical certificate relied upon was subsequently challenged before a medical board, which, via letter No. MS/GMCH/Sukkur (SMB) 5158/60 dated 04.09.2025, declared the injuries noted in the certificate as inaccurate and raised legitimate concerns of fabrication. This crucial discrepancy undermines the basis upon which cognizance was taken, indicating that the impugned order was passed without adequate appraisal of all relevant evidence, thereby warranting judicial intervention.

3. Conversely, the learned DPG, after perusing the record, concedes that the matter merits reconsideration and recommends that the case be remanded to the learned Judicial Magistrate to reassess the report of the medical board alongside the original evidence before passing a fresh and reasoned order.

4. Having considered the respective submissions, this Court finds merit in the contentions raised. The impugned order appears premature and lacks thorough evaluation of all pertinent facts, especially the conflicting medical reports which bear directly on the prosecution's case. In the interests of justice and fair adjudication, interference is justified.

5. Accordingly, the order dated 01.09.2025 passed by the learned Judicial Magistrate is set aside. The matter is remanded with direction to the Magistrate to re-examine the evidence comprehensively, including the medical board's report, and pass a reasoned and legally sound order afresh. The application is disposed of in the aforementioned terms.

**J U D G E**