

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Cr. Misc. Appln No.S-179 of 2026

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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08.06.2026.

1. For orders on M.A. No.2607/2026.
2. For orders on office objection.
3. For orders on M.A. No.2608 /2026.
4. For hearing of Main Case.
5. For orders on M.A. No.2609/2026.

Mr. Qudratullah Shaikh, advocate for the applicant.  
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Through this Criminal Miscellaneous Application, applicant Rafique Ahmed Shah has challenged the order dated 03.06.2026, passed by the learned 3<sup>rd</sup> Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Shikarpur, whereby an application under Section 22-A(6) & 22-B, Cr.P.C filed by the respondent No.3 Mehmood Shah was allowed.

Record reflects that the respondent No.3 filed an application u/s 22-A(6) & 22-B, Cr.PC before the learned Sessions Judge/Justice of Peace, Shikarpur, alleging that on 17.06.2025 his son Ameer Shah, having left the house at around 3.30 p.m., for purchasing tea-related articles from a nearby shop, went missing and subsequently he came to know that the proposed accused committed zina committed with his son Ameer Shah and buried his dead body in the house of proposed accused Rashid, which they subsequently exhumed and thrown it in the Begari Minor. The dead body of Ameer Shah was discovered by the respondent No.3 from above minor and after getting necessary formalities through police, the dead body was buried. The police refused to register the FIR; hence, he filed an application U/S 22-A(6) & 22-B, Cr.P.C, which was allowed by the 3<sup>rd</sup> Additional Sessions Judge/Ex-

Officio Justice of Peace, Shikarpur vide order dated 03.06.2026, hence this application.

Learned counsel for the applicant has contended that the impugned order is based on misreading and non-reading of the material brought on record; that the learned Ex-Officio Justice of Peace has erred in law and while going through the facts of the case and failed to evaluate and assess the material available on record properly; that while passing the impugned order the learned Additional Sessions Judge/Ex-Officio Justice of Peace has failed to act judicially, as, according to him, the incident, on the face of the allegations, appears to have been engineered and cooked up; that learned Ex-Officio Justice of Peace did not appreciate the facts of the incident in true perspective.

The learned 3<sup>rd</sup> Additional Sessions Judge, Shikarpur, acting as Ex-Officio Justice of Peace, considered the application of respondent No.3 and called reports from the Police authorities, which affirmed the allegations of respondent No.3 and revealed the commission of a cognizable offence. After hearing the arguments of learned counsel for the parties, the learned 3<sup>rd</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Shikarpur allowed the application, observing that as per report of medical board of CMC Hospital, Larkana the death of deceased Ameer Ali Shah remained undermined. It is observed that the learned Justice of Peace, while passing the impugned order has provided safeguard to the proposed accused by observing that in case of registration of the FIR the proposed accused shall not be arrested until and unless tangible evidence against them may come on record, and further that if it is found during investigation that the

respondent No.3 has registered a false case, then action u/s 182, PPC be taken against him. the impugned order, on the face of it, appears to have been passed considering all pertinent aspects of the case.

For the foregoing reasons, there appears to be no illegality in the impugned order requiring interference by this Court. Hence, this Crl. Misc. application is dismissed in *limine* along with listed applications.

**JUDGE**

Qazi Tahir PA\*