

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Cr. Misc Application No.S-453 of 2026.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objections. For hearing of main case.

07.08.2026.

Mr. Imdad Ali Memon, Advocate for Applicant.
Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

Mr Pervaiz Tariq Tagar, Advocate, files Vakalatnama along with statement on behalf of Respondent No.4/complainant (Muhammad Ashraf s/o Murtaza Rajput), which is taken on record.

Applicant/proposed accused (Abdul Razaq Mallah s/o Mahmood Malah) is aggrieved by the order 23.07.2026 passed by the Additional Sessions Judge / Ex-Officio Justice of Peace, Hala in Cr. Misc Application No.720 of 2026. The applicant/proposed accused's counsel submits that the dishonoured cheque was for about Rs.525,000/-, out of which the applicant/proposed accused has already transferred online a sum of Rs.400,000/- to the Respondent No.4/complainant’s Bank account. In this connection, he has relied on two receipts (available on page No.29 & 31 of the Court file). He contends that the remaining amount of Rs.125,000/- shall be paid on or before the next date of hearing. This aspect, he contends, was entirely ignored by the Ex-Officio Justice of Peace who passed directions to the police officer to record the Respondent No.4/complainant’s statement.

Counsel for Respondent No. 4/complainant claims that sums allegedly paid to the aforesaid private Respondent are a separate transaction and have no connection with the cheque in hand, which has bounced. He vehemently opposes the ad-interim order passed by this (High) Court, on the first date of hearing, suspending the orders passed by the Ex-Officio Justice of Peace

directing the police officer to record the statement of the Respondent No.4/complainant.

Heard learned counsel and DPG.

On perusal of the documents available on record, it appears that the cheque in issue, which was dishonoured, is/was dated 25.06.2026. Further, as per the memo of dishonour dated 30.06.2026, the said cheque allegedly bounced on the same date. The context of the receipts (available on page No.29 & 31 of the Court file) which are/were pertaining to the month of February, 2026, also presumably cross-referenced in a contested agreement between the parties, was not for the Ex-Officio Justice of Peace to deep dive and investigate the veracity of the same, while exercising powers under Section 22-A and 22-B Cr.P.C read with Section 561-A Cr.P.C in light of the Judgments of the Supreme Court. Thus, given that there was information available before him to trigger the aforesaid sections, he rightly ordered the police officer to record the statement of the Respondent No.4/proposed accused. The scope of Ex-Officio Justice of Peace is limited, and the Ex-Officio Justice of Peace, well kept within the contours of the section, given the facts and circumstances of the case.

As per law, any person who has information that an offence has been committed is entitled under the law to provide such information to the police station. Once such information is provided, it is up to the police officer to determine whether an offence is revealed and, if so, whether it is a cognizable or non-cognizable offence. It is not the role of the Ex-Officio Justice of Peace to step into the shoes of a police officer. The police officer, guided by the Criminal Procedure Code and Police Rules, has ample powers to proceed in either situation, including where false information has been provided.

In the circumstances, the impugned order dated 23.07.2026 passed by the Additional Sessions Judge/Ex-Officio Justice of Peace, Hala, in Cr. Misc Application No.720 of 2026 does not call for any interference. It is expected that the concerned police officer shall apply his own mind, free and

independent of the observations of this (High) Court and the Ex-Officio Justice of Peace, to reach his own conclusion in accordance with law. It is further hoped and expected that the police officer shall behave in a professional and competent manner and shall not arrest any person without evidence of his capability. Accordingly, the impugned Order is sustained.

The instant Cr. Misc Application is disposed of in the above terms along with all pending application(s).

JUDGE

Ali.