

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Misc. Application No.S-77/2026

Applicant: Nek Muhammad son of Khanan Khan
Through Mr. Aslam Nafees advocate.

Respondent: Pir Bux son of Darghai
Through Mr. Mir Tarique Khan Talpur advocate.

Respondent: The State
Through Mr. Neel Parkash Deputy Prosecutor
General Sindh

Date of Hearing: 12.10.2026

Date of Order: 12.10.2026

ORDER

Nisar Ahmed Bhanbhro, J: This Criminal Miscellaneous Application under Section 561-A Cr.P.C is directed against the order dated 10.03.2026 passed by the learned Ex-Officio Justice of Peace/Additional Sessions Judge-I, Umerkot, whereby Criminal Miscellaneous Application No.231/2026 “*Re-Pir Bux versus Nek Muhammad & Others*” was declined.

2. Learned counsel for the applicant contended that the reasons weighed by the learned Ex-Officio Justice of Peace in declining the request of the applicant for issuance of direction to the concerned SHO for recording the statement of applicant by following dictum laid down by the Honourable Supreme Court in the Sughra Bibi reported as PLD 2018 Supreme Court was not applicable case in the facts and circumstances of the present case, as the applicant intended to record his statement for separate incident. He contended that FIR No 52 of 2026 recorded by proposed accused pertained to a different occurrence. He further submitted that the concerned police official had refused to record the informant’s statement under Section 154 Cr.P.C., which was beyond his authority. He,

therefore, prayed that the impugned order may be set aside and concerned SHO may be directed to record the statement of applicant.

3. Learned D.P.G assisted by learned counsel for the proposed accused, contended that the impugned order was passed in pursuance of report filed by Complaint Cell, which transpires that the applicant intended to register second FIR regarding the same incident. No counter-affidavit was filed to the said report for registration of FIR. He therefore prayed for dismissal of the application.

4. Heard learned counsel for the parties and the learned D.P.G for the State, and perused the record. The learned Ex-Officio Justice of Peace/Additional Sessions Judge-I, Umerkot, while dealing with the applicant's application, observed as under:—

“The perusal of record as well as the contention counsel for proposed accused persons and Incharge District Complaint Cell Umerkot shows that FIR bearing Crime No.52/2026, U/S 324, 337-A(i), 337-F(i), 147, 148, 149 PPC has already been registered on the complaint of proposed accused Nek Muhammad, therefore, the second FIR of same incident cannot be registered as per principles laid down by Honourable Supreme Court of Pakistan in Sughra Bibi's case, reported in PLD 2018 S.C. 595. However, the I.O of the above registered FIR is directed to record the statement of applicant side of present application and make proper investigation and submit the final report U/S 173 Cr.P.C while considering the version of applicant side of present application as per principles laid down by the Honourable Supreme Court of Pakistan in the above referred case law. The application is disposed of accordingly”.

5. From perusal of the impugned order, it appears that the learned Ex-Officio Justice of Peace considered the entire material available on record and passed speaking order in line with the dictum laid down by the Honourable Supreme Court in the Sughra Bibi case Supra and observed

that applicant may approach the concerned Investigating Officer and record his version.

6. No illegality or infirmity has surfaced in the impugned order. The instant Criminal Miscellaneous Application, being misconceived is hereby dismissed.

JUDGE

“Chander Kumar”