ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-276 of 2026

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

1. For orders on office objection (s)
2. For orders on M.A No.2783/2026 (Exemption)
3. For hearing of main case

30.10.2026

None present on behalf of the applicants and no intimation has been received. The record shows that instant application was presented on 14.05.2026, since then none have appeared on behalf of the applicants to pursue the lis. However, I have perused the impugned order dated 13.05.2026, passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Tando Allahyar, who while allowing the Crl. Misc: application under Sections 22-A and B Cr.P.C has held as follows:

> *"4. From the assistance of record it reveals that in the application the applicant has stated that the father of the parties namely Ghulam Nabi has died on 17.10.2024 leaving the amount in his account which he was operating with the MCB Bank Branch Tando Allahyar. The record further shows that in support of his above stance the applicant has produced the copies of death certificate of deceased Ghulam Nabi and the Bank statement. The record further shows that the applicant has stated that from the account of deceased after his death on 18.10.2024 the amount was withdrawn by the proposed accused No.1 & 2 with the collusion of proposed accused No.3. the learned counsel appearing for the private respondents has not controverted the death of deceased Ghulam Nabi on 17.10.2024 and encashment of the cheque after his death on 18.10.2024. The above position necessities that the statement of applicant be recorded and if any cognizable offence is committed then the said statement of the applicant be incorporated into the book of 154 Cr.P.C. and proceeded further in accordance with law.*
>
> *8. In view of the above circumstances the officials respondents are directed to record the statement of applicant and if cognizable offence is made out then proceed further in accordance with law. The application is allowed accordingly."*

The applicants are the proposed accused. It is not denied that Ghulam Nabi died on 17.10.2024 and that a cheque of Rs.3,500,000/- drawn on his account was encashed the very next day. Their plea that the deceased had signed the cheque in his lifetime for his treatment and their objection that no handwriting or bank verification was before the learned Justice of Peace, are matters

of defence which can only be examined in investigation. Learned Justice of Peace has done no more than direct that the statement of the respondent No.1 be recorded and that the police proceed in accordance with law if a cognizable offence is made out. No finding of guilt has been recorded against anyone, nor has the opinion of the DSP Complaint Cell that the matter is of a civil nature any binding force. An order of this kind causes no prejudice to the applicants, who will have every opportunity to place their version before the investigating officer.

The impugned order suffers from no illegality calling for interference under Section 561-A Cr.P.C. The application is accordingly **dismissed** in ***limine***, along with the listed application.

JUDGE

AHSAN K. ABRO