# HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

## Cr. Misc. Application No.S-445 of 2026

*[Imam Bux vs. Province of Sindh & Others]*

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| Applicant | : | **Imam Bux S/o Abdul Raheem**<br>By Mr. Ghulam Murtaza Soomro advocate |
| Private respondents by | : | **Abdul Jabbar and others**<br>By Mr. Irfan Khaskheli advocate |
| Official respondents by | : | **Province of Sindh and others**<br>By Ms. Sana Memon Assistant P.G |
| Date of Hearing | : | 21.09.2026 |
| Date of Decision | : | 21.09.2026 |

**O R D E R**

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**JAWAD AKBAR SARWANA J**:- Imam Bux S/o Abdul Raheem - applicant/complainant is aggrieved by the Order dated 22.04.2026 passed by learned Additional Sessions Judge-I/Ex-Officio Justice of Peace Dadu in Criminal Miscellaneous Application No.575 of 2026.

2. Counsel for the applicant/complainant submits that sufficient information was available on record in order to trigger the provisions of Section 22-A and B Cr.P.C and in such circumstances the learned Ex-Officio Justice of Peace ought to have ordered the recording of statement of the applicant/complainant.

3. Counsel for the proposed accused contends that the entire story as set out in the complaint before the Ex-Officio Justice of Peace is/was concocted and a counter-blast of an FIR which has been registered by one of the proposed accused against the friend of the applicant/complainant. He has further taken this Court to page 35 of the memo and submits that the applicant/complainant has attempted to implead the entire family and several proposed accused, but the WhatsApp screenshot shows a photograph in the video of only two persons. He states that the case put up by the applicant/accused is false and exaggerated.

4. Learned Assistant P.G. submits that in the circumstances, a case for the recording of statement is made out.

5. Heard counsel for the parties and perused the impugned order.

6. An extract of paragraph-4 of the impugned Order passed by the Ex-Officio Justice of Peace which sets up the basis of the said Order reads as follows:-

> *"4. Upon a thorough review of the record, facts and circumstances, it appears that the applicant has not produced sufficient evidence to challenge the reports/comments submitted by the official respondents. These reports specially contradict the claims made in the application. . . ."*

7. The aforesaid observation made by the Ex-Officio Justice of Peace that "Imam Bux - applicant/complainant has not produced sufficient evidence" in paragraph 4 of the impugned Order, appears to be contrary to the Memo of the Application, wherein the contents of paragraph-13 of the said Memo are reproduced herein below:

> *"13. That the applicant called SHO PS Makhdom Bilawal from his cell No.03133007155 to his cell No.03068228601 and also sent message and audio voices through whats'sapp immediate after the incident."*

8. As per aforesaid paragraph 12 of the Memo, the applicant/complainant clearly submitted that on 20.03.2026 at 11:00 am he had made and transmitted a WhatsApp call to the SHO. Further, the applicant/complainant also attached hard copies of the telephone record and electronic evidence with the Memo, which are available in the application and were also shared at the material time with the Ex-Officio Justice of Peace at the time of hearing and passing of the impugned Order. The information available on record evidences the bonafide of the applicant/complainant's attempt to approach the SHO concerning the alleged incident of 20.03.2026. As per law, any person who has information of an offence having been committed is entitled under the law to provide such information to the police officer. If such information is provided, it is up to the Police Officer to determine whether any offence is revealed and, in the event, if an offence is revealed, whether it is cognizable or non-cognizable. The Criminal Procedure Code and the Police Rules provide ample guidance to the police authorities to proceed in either situation, as well as the situation where false information is provided.

9. In the circumstances, information was available on record to trigger the provisions of Section 22-A and B Cr.P.C., and both the police officer concerned and the Ex-Officio Justice of Peace, at the very least, were required to deal with the information within the framework of the law. Yet both disregarded the information available on record.

10. Given the above, the SHO concerned is directed to record the statement of the applicant/complainant without delay with the caveat that he will apply his own mind and act in accordance with law. It is hoped and expected that the SHO concerned shall behave in a competent, neutral, objective, and professional manner and shall not arrest any person without evidence of his culpability.

11. Instant criminal miscellaneous application stands allowed in the above terms.

JUDGE

Sajjad Ali Jessar