THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Present:
Justice Jawad Akbar Sarwana

Criminal Miscellaneous Application No.S- 323 of 2025

Applicant	:	Abdul Sattar s/o Muhammad Yaqoob through M/s Ghulam Muhammad and Nasrullah Khaskheli, Advocates
Respondent No.1 & 5	:	SHO PS Daur District Shaheed Benazirabad and The State through Miss Safa Hisbani, A.P.G.
Respondent No.2	:	Inayatullah s/o Rehmatullah Brohi
Respondent No.3	:	Naimatullah s/o Rehmatullah Brohi
Respondent No.4	:	Mst. Hajran w/o Naimatullah Brohi. **Nemo.**
		However one Haji Ghulam Rasool, grandfather of respondents/proposed accused is present in person.
Date of Hearing	:	27.11.2025
Date of Short Order	:	02.12.2025
Date of Reasons	:	24.10.2026

O R D E R

***JAWAD AKBAR SARWANA, J.*:** The applicant Abdul Sattar is aggrieved by the order dated 15.05.2025 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad in Criminal Miscellaneous Application No.S-775/2025 wherein Abdul Sattar's allegation/complaint that his daughter was allegedly murdered by his son-in-law (proposed accused No.1/respondent No.2 Inayatullah) and his in-laws on 06.05.2023 by pesticide poisoning was declined. The Ex-Officio Justice of Peace has dismissed the application u/s 22-A 6 (i) Cr.P.C. on the ground that the allegations levelled by the applicant were substantiated by neither ocular nor circumstantial evidence.

Heard counsel and learned A.P.G. It is an admitted position that as per the death certificate of the deceased daughter of the applicant, i.e. Mst. Zahida, that when she was brought dead to the Trauma Centre, the reason

for her death was pesticide poisoning. However, no further information is available regarding such pesticide poisoning. Further attempts made by the father to exhume his daughter's dead body for additional postmortem examination have also been dismissed vide order dated 26.04.2025 by 3rd Additional Sessions Judge, Shaheed Benazirabad. Meanwhile, the respondent/proposed accused has not raised any defence in support of the submission, except that no information is available concerning the death. One Haji Ghulam Rasool, grandfather of respondents/proposed accused, is present in person and states that the respondents/proposed accused are untraceable. Learned A.P.G. has also opposed the impugned order and informs this bench that the proposed accused are at large, apparently in some other crime.

As per law, anyone who has information that an offence has been committed is entitled to provide it to the police station. Once such information is provided, the police officer must determine whether any offence is disclosed and, if so, whether it is cognizable or non-cognizable. An Ex-Officio Justice of Peace is not to carry out this exercise. Guided by the Criminal Procedure Code and Police Rules, the police officer has ample powers and jurisdiction to proceed in either situation, including where false information has been provided. The information available on record concerning the death of the daughter of the applicant/complainant due to ingesting rat poison is sufficient to trigger the provisions of Sections 22-A and B, and the circumstances call for the recording of the statement of the deceased complainat/applicant's father by the Police. It is expected that the designated SHO shall apply his own mind, free from the documents placed before the Ex-Officio Justice of Peace, this Court, and past proceedings, and reach his own conclusion in accordance with law. It is hoped and expected that the police officer shall behave professionally and competently and shall not arrest any person without evidence of his capability.

Given the above, the impugned Order dated 15.05.2025 passed by the 1st Additional Sessions Judge/Ex Officio Justice of Peace, Shaheed Benazirabad in Cr. Misc Appln.775/2025, was set aside and the police

authorities are/were directed to record the statement of the applicant/complainant and take further action in accordance with law vide my Short Order dated 02.12.2026.

The above are the reasons for my Short Order.

JUDGE

Tufail