HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Crl. Miscellaneous Application No.S-01 of 2023

Present: Justice Jawad Akbar Sarwana

Applicant	:	Zulfiqar Ali Unar s/o Ali Nawaz Khan, Through Mr.Ahsan Gul Dahri, Advocate
Respondent No.1	:	The State, Through Mr.Khalid Hussain Lakho, DPG
Respondent No.2	:	Zeeshan Ali s/o Qurban Ali Zardari, Through Mr.Mushtaq Hussain Khaskheli Nemo.
Date of hearing & short order	:	**01.12.2025**
Date of reasons	:	**10.11.2026**

O R D E R

JAWAD AKBAR SARWANA, J.: The applicant/proposed accused, Zulfiqar Ali Unar s/o Nawaz Khan Unar is aggrieved by the Order dated 22.12.2022 passed by the 1st Civil Judge & Judicial Magistrate, Nawabshah, taking cognizance of the criminal case against the applicant/proposed accused arising out of FIR No.238/2022 registered at P.S. A-Section, Shaheed Benazirabad u/s 489-F PPC based on the Final Report u/s 173 Cr.P.C., put up by the concerned I.O.

2. As per the documents available on record, after the complainant, Zeeshan Ali s/o Qurban Ali Zardari, registered FIR No.238/2022, the I.O., after investigation, recommended the case for disposal under “C” class. However, the learned 1st Civil Judge & Judicial Magistrate, Nawabshah, disagreed with the I.O.'s recommendation, but the impugned Order dated 22.12.2022 appears to have been passed in a perfunctory manner, and

reproduces a passage from a judgment by the Supreme Court without providing reasons for his own opinion while disagreeing with the opinion of the I.O. and taking cognisance of the offence against the applicant/proposed accused.

3. Given the above, no case is/was set forth to sustain the impugned order, which is/was set aside, and the matter is/was remanded back to him for passing a fresh order with reasons to be clearly articulated in the said decision vide my Short Order dated 01.12.2025, and the above are the reasons for the same.

JUDGE

AHSAN K. ABRO