

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

*Criminal Misc: Application No. S-56 of 2026*

*Syed Masood Ahmed Shah v. SHO, PS Amrot Shareef & others.*

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Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For hearing of main case.
3. For hearing of M.A No.925/26 (S/A).

**11-06-2026**

Mr. Ashfaque Hussain Abro, Advocate for applicant.

Mr. Muhammad Ismail Abro, Advocate for respondent No.2.

Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

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**Ali Haider 'Ada' J:-** Through the instant Criminal Miscellaneous Application, the applicant, namely Syed Masood Ahmed Shah, has called in question the order dated 23.02.2026 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Shikarpur, whereby an application filed by respondent No.2 under Sections 22-A & 22-B, Cr.P.C. was allowed. In the said application, respondent No.2 alleged that on 18.02.2026 at about 09:30 p.m., he sustained injuries at the hands of the present applicant and others.

2. Learned counsel for the applicant contended that the impugned order has been passed mechanically without affording proper opportunity of hearing to the proposed accused. According to him, the order neither reflects that the applicant was heard nor that the material available on record was duly considered, thus offending the settled principle of *audi alteram partem*. He further submitted that before the filing of the impugned proceedings, F.I.R. No.04 of 2026 had already been lodged by the present applicant against respondent No.2 and others in respect of the same occurrence, wherein injuries were also alleged. He argued that in such circumstances the question as to which party was the aggressor is a matter to be determined by the investigating agency during the

course of investigation, in light of the principles laid down by the Honourable Supreme Court in *Sughran Bibi v. The State* (PLD 2018 SC 595).

3. Conversely, learned counsel for respondent No.2 submitted that although the date of occurrence is the same, the time and place of the incident are altogether different; therefore, the dictum laid down in *Sughran Bibi's* case is not attracted to the facts of the present matter. He, however, fairly conceded that the impugned order does not disclose that any opportunity of hearing was afforded to the proposed accused. He further submitted that several criminal cases have previously been registered between the parties and, therefore, the learned Justice of Peace rightly directed that the statement of respondent No.2 be recorded. Learned Law Officer supported the impugned order and submitted that the version of respondent No.2 ought to be recorded and thereafter the matter may be subjected to investigation in accordance with law.

4. Heard the learned counsel for the parties and has perused the available record.

5. There is no cavil to the proposition that proceedings under Sections 22-A and 22-B, Cr.P.C. are not strictly judicial in nature; nevertheless, while exercising such jurisdiction, the Justice of Peace is required to act fairly, judiciously and with due care and caution. Reference may be made to ***Munawar Alam v. Qurban Ali Malano and others (2024 SCMR 985)***, wherein the Honourable Supreme Court observed that applications under Sections 22-A and 22-B, Cr.P.C. should not be decided mechanically and that due consideration must be given to the facts and circumstances of each case before issuing any direction.

6. The right of hearing is an essential component of fair decision-making and forms part of the fundamental principle of ***audi alteram partem***, which mandates that no person should be condemned unheard. A careful examination of the impugned order reveals that it

does not indicate that any opportunity of hearing was afforded to the present applicant/proposed accused before the issuance of the impugned directions. In this regard, guidance may be sought from ***Younas Abbas v. Additional Sessions Judge, Chakwal*** (PLD 2016 SC 581) and ***Muhammad Ayub v. Additional Sessions Judge-VII/Justice of Peace, Quetta*** (2021 MLD 994).

7. In view of the foregoing discussion, the impugned order dated 23.02.2026 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Shikarpur, is hereby set aside. The learned Justice of Peace is directed to afford an adequate opportunity of hearing to all concerned parties and thereafter pass a reasoned and speaking order strictly in accordance with law.

8. Needless to observe that all legal pleas available to the parties, including the contention based upon *Sughran Bibi v. The State* (PLD 2018 SC 595), may be raised before the learned Justice of Peace, who shall decide the same while passing the fresh order.

The application stands disposed of in the above terms.

**JUDGE**