

**ORDER SHEET**

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

**Criminal Miscellaneous Application No. S-212 of 2026  
(*Niaz Hussain v. SHO, PS Ratodero & others*).**

| Date | Orders with signature of Judge |
|------|--------------------------------|
|------|--------------------------------|

1. *For orders on office objections 'A'.*
2. *For hearing of main case.*

**21-09-2026.**

Mr. Sajid Hussain Mahessar, Advocate for applicant.  
Mr. Javed Ahmed Buledi, Advocate for respondents  
No.7&8.  
Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

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**Ali Haider 'Ada' J.-** Through this application, the applicant has assailed the order dated 11.06.2026, passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Ratodero, whereby his application under Sections 22-A and 22-B, Cr.P.C. was dismissed.

2. The main contention of the applicant is that the proposed accused caused serious injuries to him, which were duly corroborated by the medical evidence; however, the learned Justice of Peace failed to consider such material aspect and dismissed his application.

3. Learned counsel for the applicant mainly contended that the injuries were caused at the hands of the proposed accused and that the incident was not reported merely on the ground that no proof of maltreatment had been produced. According to learned counsel, such aspect was a matter requiring investigation by the police.

4. On the other hand, learned counsel for the proposed accused, as well as the learned Deputy Prosecutor General, supported the impugned order and submitted that the same was a speaking order.

It was further contended that the instant application had been filed with mala fide intention and that the proposed accused had been implicated due to previous grudge.

5. Heard and perused.

6. The statement dated 10.08.2026, submitted by learned counsel for the applicant, reflects that the relevant provision and final medical certificates were placed on record. The medical certificates show that the injuries were opined by the Medical Officer as *Jurh Ghayr Jaifah Hashimah*, besides other injuries having also been specified therein. Therefore, the stance of the applicant that such injuries were caused by the proposed accused requires proper investigation.

7. It is a settled principle that where the facts disclose a cognizable offence, the matter is required to be investigated in accordance with law. Such investigation can properly be undertaken after registration of the FIR. Accordingly, the statement of the applicant is required to be recorded and, if a cognizable offence is made out, the matter shall proceed further in accordance with Section 156, Cr.P.C.

8. The scope of the jurisdiction exercised by the learned Justice of Peace is to examine the material placed before the Court to determine whether a cognizable offence is prima facie disclosed, rather than to conduct an investigation or adjudicate disputed questions of fact, which fall within the domain of the Investigating Officer. Reliance in this regard may be placed upon **Syed Qamber Ali Shah v. P.O. Sindh and others, 2024 SCMR 1123.**

9. In view of the foregoing facts and circumstances, the instant application is allowed. The impugned order dated 11.06.2026, passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Ratodero, is hereby set aside. The SHO, Police Station Ratodero, is directed to record the statement of the applicant and, if

a cognizable offence is made out, register the FIR and proceed further in accordance with law.

***JUDGE***