

**ORDER SHEET**

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

***Criminal Miscellaneous Application No. S- 339 of 2025.  
(Saleem Akhtar vs SHO Police Station Market and others)***

| <i>Date</i> | <i>Order with signature of Judge</i>                                                                                                                                        |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | <ol style="list-style-type: none"><li>1. For orders on MA No.4716 of 2026. U/A.</li><li>2. For orders on office objection-A.</li><li>3. For hearing of main case.</li></ol> |

**14.09.2026.**

Mr. Habibullah G. Ghouri, Advocate for the Applicant.

Mr. Sajad Ali Jumarani, Advocate for the Respondents.

Mr. Sardar Ali Solangi, Deputy Prosecutor General.

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**Ali Haider 'Ada' J.-** The main contention of the applicant is that he approached the learned Justice of Peace/ Additional Sessions Judge- V, Larkana, by filing an application under Sections 22-A and 22-B Cr.P.C.; however, the learned Justice of Peace, vide order dated 23.09.2025, dismissed the same.

2. The crux of the matter is that the application under Sections 22-A and 22-B Cr.P.C. was filed by the present applicant mainly on the ground that the proposed accused/respondent had issued a cheque amounting to Rs.55,00,000/- (Rupees Fifty-Five Lacs), which was subsequently dishonoured on account of insufficient funds.

3. Learned counsel for the applicant submits that a cognizable offence is made out in terms of Section 489-F P.P.C., as the cheque was issued by the proposed accused and was subsequently dishonoured. He submits that the learned Justice of Peace travelled beyond the scope of jurisdiction vested under Sections 22-A and 22-B Cr.P.C. by examining the merits of the matter. He, therefore, prays that the impugned order be set aside and the concerned police official be directed to record the statement of the applicant in accordance with law.

4. On the other hand, learned counsel for the proposed accused submits that the amount in question had already been received in some other form, which fact was not disclosed by the applicant. He further submits that the cheque belonged to a bank situated outside the territorial jurisdiction and that the applicant has managed the story before the learned Justice of Peace; otherwise, the proposed accused has a valid defence to the allegation.

5. Learned Deputy Prosecutor General supports the impugned order.

6. Heard and perused the record.

7. From the contents of the application as well as the material available on record, it is the primary duty of the learned Justice of Peace to examine whether the facts narrated therein prima facie disclose a cognizable offence or not.. The contention raised on behalf of the proposed accused that he has a valid defence is a matter which falls within the domain of investigation and cannot be conclusively determined at this stage. Such aspect is to be examined by the Investigating Officer after registration of the case and commencement of investigation in accordance with law.

8. Furthermore, the learned Justice of Peace, while exercising jurisdiction under Sections 22-A and 22-B Cr.P.C, is not empowered to scrutinize the evidence or render findings on the merits of the case. Once a cognizable offence is disclosed, the matter is required to be dealt with in accordance with Section 154 Cr.P.C., and the investigation is thereafter to be conducted by the Investigating Officer in accordance with law. It is for the Investigating Officer, upon completion of investigation, to determine the appropriate course regarding the disposal of the case. Reliance in this regard is placed upon **Syed Qambar Ali Shah v. P.O. Sindh and others (2024 SCMR 1123)**.

9. In view of the foregoing facts and circumstances, the instant Criminal Miscellaneous Application is allowed. The impugned order dated 23.09.2025, passed by the Additional sessions Judge-V Larkana/ Justice of Peace is set aside. Consequently, the SHO, Police Station Market, Larkana, is directed to record the statement of the applicant and, if the facts narrated therein disclose a cognizable offence, to register the case in accordance with Section 154 Cr.P.C. without unnecessary delay.

***JUDGE***