

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Miscellaneous Application No.S-363 of 2026
(Sudheer Vs. SHO, P.S. B-Section, Mehar and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on M.A No. 5167/2026. (Urgency Application)
- 2. For orders on office objection.
- 3. For orders on M.A No. 5168/2026. (Exemption Application)
- 4. For hearing of main case.
- 5. For orders on M.A No. 5169/2026.

05-10-2026.

Mr. Sajid Hussain Mahessar, Advocate for the Applicant.

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- 1. Urgency is granted.
- 2 to 5. The applicant, being a proposed accused, has challenged the order dated 21.08.2026, whereby the application filed by respondent No.3 under sections 22-A and 22-B, Cr.P.C., was allowed. The main grievance of respondent No.3 was that the applicant had allegedly issued a cheque, thereby attracting the offence punishable under section 489-F, P.P.C.

Learned counsel for the applicant submits that there is a difference in the signature appearing on the cheque; therefore, according to him, the cheque had been procured/manipulated and the application under sections 22-A and 22-B, Cr.P.C. was not maintainable. In support of his contention, he has relied upon an order passed by this Court, Sukkur Bench, in Criminal Miscellaneous Application No.S-884/2021, whereby the application under sections 22-A and 22-B, Cr.P.C. was dismissed by the learned Justice of Peace and such order was subsequently maintained.

Perusal of the said order as reliance by the learned counsel, reveals that the same was passed in a different factual context, where reliance was placed upon the pendency of civil litigation

between the parties as well as the report of the DSP, Complaint Redressal Cell, Naushahro Feroze, who had reported that the terms of the transaction between the parties were disputed in nature. The said report also referred to an apparent difference in the specimen signatures. The facts of the present case are distinguishable. Here, the report of the DSP, Complaint Redressal Cell does not support the case of the applicant, nor is any civil litigation stated to be pending between the parties.

It is settled that the learned Justice of Peace, while exercising jurisdiction under sections 22-A and 22-B, Cr.P.C., is not required to conduct a detailed inquiry or assume the role of an Investigating Officer. The question whether the cheque bears the genuine signature of the applicant, or whether the same was procured, manipulated or otherwise misused, is essentially a matter to be determined during investigation based on the available evidence. At this stage, the defence plea of the proposed accused cannot ordinarily be made the basis for declining to record the statement of the aggrieved party in terms of section 154 Cr.P.C. Reliance in this regard may be placed upon **Syed Qambar Ali Shah v. Province of Sindh (2024 SCMR 1123)**.

In view of the foregoing, the instant Criminal Miscellaneous Application, being devoid of merit, is dismissed in *limine* along with the listed application.

JUDGE