

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

Criminal Misc. Application No.S-222 of 2025
(Shankar Lal Vs. SHO, P.S Radhan & others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:-
Mr. Justice Ali Haider ‘Ada’

- 01. For orders on office objection "A".
- 02. For orders on M.A.No.4201/2025 (C/A)
- 03. For hearing of main case.
- 04. For hearing of M.A.No.3139/2025. (S/A)

17.08.2026

Mr. Atta Hussain Chandio, Advocate for the Applicant.
Mr. Muhammad Sharif Awan, Advocate for Respondent No.3.
Mr. Sardar Ali Solangi, Deputy Prosecutor General, Sindh.

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Ali Haider ‘Ada’, J:- The applicant has assailed the order dated 24.06.2025 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Mehar, in Crl. Misc. Application No.1221/2025, whereby the application filed by Respondent No.3 under Sections 22-A & 22-B, Cr.P.C. was allowed, with a direction to record his statement and, if a cognizable offence was made out, to incorporate the same in the book under Section 154, Cr.P.C. Being aggrieved by the said order, the present applicant has challenged the same. It is pertinent to note that, in the application filed before the learned Ex-Officio Justice of Peace, the present applicant, along with others, was nominated as a proposed accused.

2. The crux of the case set up by Respondent No.3 is that the present applicant, along with others, caused injuries to him on his forehead and face with iron rods. As the alleged incident was not reported to the police, he moved an application before the learned

Ex-Officio Justice of Peace, and the application was accordingly allowed.

3. Learned counsel for the applicant mainly contended that the said order was assailed before this Court and, on 23.07.2025, this Court suspended the operation of the impugned order. However, despite the suspension, on 29.08.2025, FIR No.104/2025 was registered, which, according to learned counsel, amounts to contempt of the order of this Court on the part of the police functionaries as well as Respondent No.3. He further submitted that a C.M.A. No.4201/2025 was filed under Sections 3 & 4 of the Contempt of Court Act, read with Article 204 of the Constitution of the Islamic Republic of Pakistan, seeking initiation of contempt proceedings. On merits, he submitted that a managed story had been concocted merely to save the skin of Respondent No.3, who filed an application under Sections 22-A & 22-B, Cr.P.C. He contended that the alleged incident had occurred earlier and that all the prosecution witnesses were close relatives of Respondent No.3. He further submitted that there was a civil dispute between the parties concerning a monetary transaction. He, therefore, prayed that the impugned order be set aside and contempt proceedings be initiated. He further contended that the application submitted before the S.S.P., Dadu, and the application filed before the learned Ex-Officio Justice of Peace were contradictory in nature.

4. On the other hand, learned counsel for Respondent No.3 submitted that there was no deliberate or wilful disobedience of the order of this Court, as the said order had not been duly served. He contended that the order sheet, which was forwarded for information, had been sent to the learned Ex-Officio Justice of Peace, Mehar, instead of being communicated to the concerned police functionaries or Respondent No.3. He, therefore, submitted that the contempt application was misconceived and devoid of merit. He further contended that another FIR had been registered against the applicant side for an offence under Section 489-F, P.P.C., and that the incident in question had occurred in such sequence, and allegedly been committed by the applicant side, attracting a

cognizable offence. He, therefore, prayed for dismissal of the instant Crl. Misc. Application.

5. Learned Deputy Prosecutor General, Sindh, submitted that, no doubt, the operation of the impugned order had been suspended; however, the said order was not duly served upon the police functionaries. He submitted that there was no authentic material available to establish deliberate non-compliance with the order by the respondents/police functionaries. He, did not support the contents of the instant application and submitted that any such act was required to be dealt with by the Investigating Officer. He supported the impugned order.

6. Heard learned counsel for the parties and perused the record.

7. Firstly, according to the contents of the application filed under Sections 22-A & 22-B, Cr.P.C, the matter pertains to an injury case, wherein the medical certificate annexed from page 17 onwards reflects multiple injuries. Prima facie, a cognizable offence is disclosed from the facts narrated in the application. In such circumstances, the learned Ex-Officio Justice of Peace was required to confine himself to the question as to whether the facts narrated in the application disclosed a cognizable offence.

8. Under Section 22-A, Cr.P.C., it is not the function of the Justice of Peace to punctiliously or assiduously scrutinize the case or to render any finding on its merits; rather, he has to ascertain whether, from the facts narrated in the application, a cognizable offence is made out and, if so, he may issue appropriate directions for recording the statement of the complainant under Section 154, Cr.P.C. The powers of the Justice of Peace are limited to aiding and assisting in the administration of the criminal justice system. He has no authority to assume the role of an investigating agency or a prosecutor; rather, he has been conferred with the role of exercising vigilance and redressing the grievance of a complainant who has been refused by the police officials to register his report. Reliance in this regard is placed upon **Syed Qamber Ali Shah v. Province of**

Sindh (2024 SCMR 1123). In view of the above, no interference with the impugned order is warranted.

9. Secondly, no doubt, the operation of the impugned order was suspended by this Court; however, upon perusal of the record, it transpires that the said order was not communicated to the concerned police functionaries. It was incumbent upon the applicant to establish that the order of this Court had duly been communicated to Respondent No.1, the concerned S.H.O., or Respondent No.2, the S.S.P., Dadu. However, no such proof has been furnished by the applicant. In the absence of any material establishing that the order of this Court was duly communicated to the concerned police officials, deliberate or wilful disobedience of the order cannot be attributed to them. Consequently, the contempt application, on the face of the record, is also not maintainable.

10. The Supreme Court of Pakistan in *Ch. Zahur Ilahi, M.N.A. v. Zulfikar Ali Bhutto and 2 others* (**PLD 1975 SC 383**) held that contempt is an extraordinary power, to be exercised with caution and only when necessary in the public interest. In *Saadat Khialy, Staff Reporter ("Kohistan" Daily) and others v. The State and another* (**PLD 1962 SC 457**), it was held that contempt proceedings are sui generis, sharing civil and criminal elements but bound by neither, though the person proceeded against must be afforded a fair opportunity of defence. These principles were reaffirmed in *Syed Masroor Ahsan and others v. Ardeshir Cowasjee and others* (**PLD 1998 SC 823**), *Shahid Orakzai v. Pakistan Muslim League (Nawaz Group) and 8 others* (**2000 SCMR 1969**), and *The State v. Khalid Masood* (**PLD 1996 SC 42**). In *Syed Ahmad Shah and Feroze Din v. The State and another* (**PLD 1967 SC 42**). Thus, contempt jurisdiction is extraordinary and sui generis in nature and is primarily intended to uphold the dignity of the Court and the administration of justice. The question, therefore, is whether the conduct complained of constituted a deliberate violation of the order of this Court. In the present case, no such deliberate or wilful disobedience has been established.

11. Accordingly, for the foregoing reasons, the main Criminal Miscellaneous Application, along with the listed application and contempt application, are hereby dismissed.

JUDGE

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