

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

Constitution Petition No. S-237 of 2026
(Mst. Aasia vs Province of Sindh and Others)

Date	Order with signature of Judge
1.	For orders on office objection.
2.	For orders on M.A No. 656/2026. (Exemption Application)
3.	For hearing of main case.

04-09-2026.

Mr. Faiz Muhammad M. Larik, Advocate for the
Petitioner.

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During the course of arguments, learned counsel for the
Petitioner submits that the private Respondents had caused
injuries to the Petitioner’s side; however, he did not clearly
explain the circumstances in which the incident had taken
place. Upon being specifically asked whether the Petitioner
had an adequate remedy under Sections 22-A and 22-B,
Cr.P.C., and whether he had invoked or could invoke the
jurisdiction of the learned Justice of the Peace, learned
counsel replied in the negative and asserted that the Justice
of the Peace had no authority or jurisdiction to entertain such
a matter.

Heard. Record perused.

For ready reference, Sections 22-A and 22-B, Cr.P.C.,
are reproduced below:

22-A. Powers of Justices of the Peace.—(1) *A Justice
of the Peace for any local area shall, for the purpose of
making an arrest, have within such area all the powers
of a police officer referred to in section 54 and an officer-
in-charge of a police station referred to in section 55.*

*(2) A Justice of the Peace making an arrest in exercise of
any powers under subsection (1) shall forthwith take, or*

cause to be taken, the person arrested before the officer in charge of the nearest police station and furnish such officer with a report as to the circumstances of the arrest, and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him—

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.

(4) Where a member of the police force on duty has been called upon to render aid under subsection (3), such call shall be deemed to have been made by a competent authority.

(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the Provincial Government—

(a) issue a certificate as to the identity of any person residing within such area; or

(b) verify any document brought before him by any such person; or

(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate, and until the contrary is proved, any certificate so issued shall be presumed to be correct, any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

(6) An ex-officio Justice of the Peace may issue appropriate directions to the police authorities concerned on a complaint regarding—

(i) non-registration of a criminal case;

(ii) transfer of investigation from one police officer to another; and

(iii) neglect, failure or excess committed by a police authority in relation to its functions and duties.

22-B. Duties of Justices of the Peace.— Subject to such rules as may be made by the Provincial Government, every Justice of the Peace for any local area shall—

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in writing the result of his inquiries to the nearest Magistrate and to the officer in charge of the nearest police station;

(b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of anything from, or interference in any way with, the place of occurrence of the offence;

(c) when so required in writing by a police officer making an investigation under Chapter XIV in respect of any offence committed within such local area—

(i) render all assistance to the police officer in making such investigation; and

(ii) record any statement made under expectation of death by a person in respect of whom a crime is believed to have been committed.

The scheme of the aforesaid provisions clearly demonstrates the legislative intent to confer jurisdiction upon the Justice of the Peace to entertain applications relating to the non-registration of criminal cases, transfer of investigation, and neglect, failure or excess committed by police authorities in the discharge of their functions and duties.

In view of the clear statutory position, the contention raised by learned counsel is wholly misconceived. It is particularly surprising that, despite submitting that he has been practicing at the Bar for the last twenty-three years, learned counsel was unable to appreciate these basic legal principles. Such conduct is not only regrettable but also causes serious prejudice to litigants and amounts to a disservice to the administration of justice when a counsel, lacking knowledge of such fundamental provisions, advises a

litigant that the Justice of the Peace has no jurisdiction or authority to entertain the matter.

At this stage, Mr. Muhammad Aslam Jatoi, Advocate, intervened and submitted that the learned counsel for the Petitioner had perhaps misunderstood the legal position. However, learned counsel for the Petitioner then stated that he did not wish to press the petition. This subsequent change of stance is equally surprising, particularly when the Court was about to dictate the order. The conduct of learned counsel, who initially asserted that the learned Justice of the Peace had no jurisdiction and thereafter sought dismissal of the petition as not pressed, reflects an attempt to conduct the proceedings according to his own wishes and whims.

In view of the foregoing, the instant petition is found to be misconceived and frivolous and is, accordingly, dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only). The said amount shall be deposited within seven days in the Clinic of this Court, failing which it shall be recoverable as arrears of land revenue in accordance with the applicable provisions of law. The Additional Registrar of this Court shall submit a compliance report accordingly.

JUDGE