

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

Crl. Misc. A. No.S-173 of 2018.

Mehboob Ali. Applicant.

Versus.

Learned IInd Additional District & Sessions
Judge / Ex-Officio Justice of Peace,
Jamshoro. Respondents.

Mr. Asif Ali Talpur, Advocate for the applicant.

Mr. Shahid Ahmed Shaikh, DPG.

Date of hearing and order: 19.06.2018.

ORDER

IRSHAD ALI SHAH, J.-The applicant by way of instant criminal miscellaneous application under section 561-A Cr.P.C. has impugned order dated 12.03.2018 of learned IInd Additional Sessions Judge, / Ex-Officio Justice of Peace, Kotri, whereby his application under section 22-A & B Cr.P.C. for issuance of direction against the police for recording his statement under section 154 Cr.P.C. was dismissed.

2. It is contended by the learned counsel for the applicant that the learned IInd Additional Sessions Judge / Ex-Officio Justice of Peace Kotri has dismissed the application of the applicant without any justification, ignoring the fact that the applicant was having no electricity meter yet he was issued electricity bills by the proposed accused who now are demanding from the applicant illegal gratification for redressal of his grievance. By contending so he sought for direction against the police to record statement of the applicant under section 154 Cr.P.C.

3. Learned DPG has opposed to issuance of direction against the police to record the statement of the applicant under section 154 Cr.P.C. by contending that the issue involved requires its determination by the civil Court having jurisdiction.

4. I have considered the above arguments and perused the record.

5. If for the sake of arguments it is believed that the applicant is having no electricity connection and he has been issued wrong electricity bills by the proposed accused then the applicant has a remedy to get resolved such controversy from civil Court having jurisdiction. No civil remedy could be permitted to be converted into criminal under the pretext that the proposed accused, for doing the needful have demanded from the applicant illegal gratification.

6. In view of above, it could be concluded safely that the learned IInd Additional Sessions Judge / Ex-Officio Justice of Peace, Kotri has committed no wrong by dismissing the application of the applicant for issuance of direction against the police to record his statement under section 154 Cr.P.C. by way of impugned order, which can be made right by this Court.

7. The instant criminal miscellaneous application is dismissed accordingly.

J U D G E

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