

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
 CIRCUIT COURT, HYDERABAD.**

Cr. Misc. Appl: No.S-95 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on M.A No.1224/19.

For orders on office objection.

For orders on M.A No.1319/19.

For hearing of main case.

06.03.2019

Mr. Parshotam K. Khatri, Advocate for Applicant.

=

Mr. Zulfiqar Ahmad Khan, J:- Through the instant Criminal Miscellaneous Application, order dated 15.01.2019, passed by learned Sessions Judge / Ex-Officio Justice of Peace, Umerkot, is impugned where an application under section 22-A & B Cr.P.C. filed by the applicant for registration of the F.I.R was dismissed.

2. Brief facts of the case as alleged in the application under Section 22-A & B Cr.P.C are that in the year 2008 defunct TMA (now Municipal committee) Umerkot is sanctioned scheme construction of brick payment road in villae Mandhal, which work is carried out by petti contractor proposed accused Taneraj Singh, which scheme shown complete in record. It has further been alleged in the application that after completion of scheme proposed accused Hameer Singh removed bricks of government scheme and used in construction of his house to which applicant other villagers moved such application to Deputy Director Anti-Corruption Mirpurkhas. Later, the applicant approached to concerned Police Station but to no avail.

3. Learned counsel for the applicant submits that the learned Ex-Officio Justice of Peace without applying its judicial mind dismissed the application of the applicant for registration of FIR against the proposed accused; that the learned Ex-Officio Justice of Peace did not consider the material available on record, nor applied his judicial mind and acted beyond his jurisdiction / domain.

Lastly he prayed that concerned SHO may be directed to record the statement of the applicant.

4. I have heard the learned counsel for the applicant and perused the entire material available on the record. Record reflects that there is a dispute going between the applicant and proposed accused in respect of Barani Agricultural land bearing serial No.24, 25, 26, 27, and 28 admeasuring 40 acres situated in Deh Khalrai Thar Taluka Umerkot, for which a civil suit bearing No.126 of 2018 is also pending before 1st Senior Civil Judge, Umerkot, therefore, it appears that in order to restraining the proposed accused persons to contest the above said suit, the applicant filed application before the Ex-Officio Justice of Peace and the applicant came before this Court with unclean hands. In these circumstances, I am of the view that the impugned order is well reasoned within the four corners of law, as such, does not require any interference by this Court. Accordingly, the instant Criminal Miscellaneous Application is dismissed alongwith listed applications and impugned order is maintained.

JUDGE

S