

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 90 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-1411/2021
2. For orders on office objections
3. For orders on MA-1412/2021
4. For hearing of main case

24.02.2021.

Mr. Muhammad Nisar Abro, advocate for applicant.

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1. Urgency granted.
2. Overruled.
3. Exemption granted.
4. It is stated by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party; the FIR has been lodged with delay of about 27 hours and the applicant as per CDR report was not available at the place of incident. By contending so, he sought for quashment of the proceedings of the case out come of the Crime No.63/2020 u/s 506/2, 504, 406, 34 PPC at police station P.S Gupchani District Shaheed Benazirabad against the applicant by way of instant Criminal Misc. Application under Section 561-A Cr.P.C.

The delay in lodgment of FIR could hardly be made a ground to quash the proceedings of a criminal case. If, the applicant is having a feeling that he being innocent has been involved in subject case by the complainant party falsely then

he may prove his innocent by joining the trial. The quashment of the proceedings of a criminal case in summary manner would amount to denial of right of fair trial to the complainant party, which is guaranteed by Article-10-A of the Constitution of Islamic Republic of Pakistan 1973. Consequently, the instant Criminal Misc. Application being misconceived is dismissed in limine.

JUDGE

Ahmed/Pa