

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 112 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-1711/2021
2. For orders on office objection
3. For orders on MA-1712/2021
4. For hearing of main case.
5. For orders on MA-1713

09.03.2021.

Mr. Ali Asghar Mangi, advocate for applicant.

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1. Urgency granted.

2to5. The applicant is alleged to have committed rape with Mst.Saba and was booked accordingly. On completion of the investigation, challan u/s 173 Cr.P.C was submitted by the police, the cognizance whereof was taken by learned trial Magistrate vide his order dated 11.02.2021, which is impugned by the applicant before this Court by way of instant Criminal Misc. Application.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party; DNA report was negative, therefore, learned trial Magistrate ought not to have taken the cognizance of the incident.

I have considered the above argument and perused the record.

Learned trial Magistrate by way of impugned order has taken the cognizance of the incident on police report, such order could not be said to be illegal only for the reason that it has been passed against the applicant. If, the applicant is having a feeling that he is innocent then he may prove his innocence by joining the trial. No case for indulgence

by this Court in exercise of its inherent jurisdiction is made out. Consequently, the instant Criminal Misc. Application being misconceived is dismissed in limini.

JUDGE

Ahmed/Pa