

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln. No.S – 69 of 2020

Date

Order with Signature of Hon'ble Judge

Priority case

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.813/2020 (S/A)
(Notice issued)

02.03.2020

Mr. Aftab Ahmed Shar, Additional PG for the State

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Through instant Criminal Miscellaneous Application, the applicants have challenged the impugned order dated 04.02.2020 passed by learned Civil Judge & Judicial Magistrate Sobhodero on the report under Section 173 Cr.P.C submitted by I.O for disposal of the case under 'B' false class in Crime No.02/2020 of police station, Sobhodero, whereby the learned Magistrate did not concur with the report of the police and took cognizance.

2. Mr. Naheed Ali Shaikh Advocate, holding brief on behalf of Mr. Nazir Ahmed Junejo, learned counsel for the applicants, requests for adjournment on the ground that the latter has gone to Karachi with his personal work. The request for adjournment is declined.

3. M/s Muhammad Juman Sahito and Safdar Ali Kanasero Advocates present and filed their joint *vakalatnama* on behalf of private respondent, which is taken on record. Learned advocates appearing for the private respondent submit that the charge has been framed in the case now the matter is fixed for evidence.

4. I have heard the learned counsel for the private respondents as well as learned Additional PG for the State. The impugned order passed by

learned Civil Judge and Judicial Magistrate Sobhodero is well-reasoned and speaking one. Per learned counsel for the private respondent the matter is now fixed for recording evidence of the prosecution witnesses, whereas, learned Additional PG appearing for the State also supported the impugned order. In such circumstances, the impugned order does not call for any interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed and the impugned order dated 04.02.2020 is maintained. However, the applicants are at liberty to avail their remedy before the trial Court by filing application(s) under Sections 249-A or 265-K Cr.P.C, as the case may be, the same shall be decided by the trial Court, in accordance with law.

Judge

ARBROHI