

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 835 of 2019

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.6179/2019 (S/A)

02.03.2020

Mr. Ali Gul Abbasi Advocate for the Applicant
Mr. Illahi Bux Maitlo, Advocate for respondent No.2
Mr. Aftab Ahmed Shar, Additional PG for the State

>>>>>>...<<<<<<<

Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 29.11.2019, whereby the application under Section 22-A6(i) 22-B Cr.P.C filed by the respondent No.2 was allowed.

2. Learned counsel for the applicant submits that prior to this proposed accused / applicant Anwer Ali has lodged the FIR being Crime No.57/2019 in which the private respondent has been nominated as one of the accused; that the learned Ex-Officio Justice of Peace without applying the judicial mind and considering the facts has passed the impugned order, which is contrary to the facts, hence the same is liable to be set-aside.

3. Learned counsel for the private respondent as well as learned Additional PG appearing for the State have prayed for dismissal of the instant Criminal Miscellaneous Application by contending that as per medical certificate the father of private respondent namely Muhammad Khan has received serious injuries which have been declared by the Medical Officer as "*Hashimiah*", whereas, the punishment of five years is

provided for the same injury; that the incident has took place at another place which has no connection with the present offence.

4. I have heard the learned counsel for the applicant and learned counsel for the respondent as well as learned Additional PG for the State and have gone through the material available on record. It appears that father of private respondent namely Muhammad Khan has received serious injuries on different parts of his body and such medical certificate has been issued by the Medical Officer hence it would be proper to direct the SHO Police Station Duber to record the statement of the private respondent as per his verbatim. In such circumstances, the impugned order dated 29.11.2019 passed by learned Ex-Officio Justice of Peace / Additional Sessions Judge (Hudood) Sukkur is well-reasoned and speaking one, therefore, does not call for any interference by this Court, the same is upheld. Consequently, the instant Criminal Miscellaneous Application is dismissed. However, the interim order passed by this Court dated 02.12.2019 stands recalled.

Judge