

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
 BENCH AT SUKKUR

**Cr. Misc. Appln. S – 446 of 2020**

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Date	Order with Signature of Hon'ble Judge
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**Priority case**

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.3764/2020 (S/A)  
(notice issued)

**02.09.2021**

Mr. Ghulam Murtaza Korai Advocate for the Applicant  
 Mr. Shahzore A. Jarwar Advocate for private respondent  
 Mr. Khalil Ahmed Metlo, DPG for the State

**AMJAD ALI SAHITO, J-** Through instant Criminal Miscellaneous Application, the applicant/proposed accused has impugned the order dated 20.08.2020 passed by learned 3<sup>rd</sup>. Additional Sessions Judge/ Ex-Officio Justice of Peace, Naushahro Feroze, whereby the application filed by the private respondent under Section 22-A and 22-B Cr.P.C, was allowed. The applicant one of the proposed accused being aggrieved has filed the instant criminal miscellaneous application.

2. It is contended by learned counsel for the applicant/proposed accused that a series of FIRs have been registered by the parties against each other, infact no such incident as alleged by the private respondent has been committed by the applicant/proposed accused, whereas, the private respondent with malafide intentions filed an application u/s 22-A and 22-B Cr.P.C seeking registration of a false FIR. He lastly prayed that the impugned order dated 20.08.2020 may be set-aside.

3. On the other hand, learned counsel for the private respondent submits that the proposed accused have snatched a huge amount from the private respondent when he was returning after selling the Buffalo-calf at *cattle pirri*, as such the proposed accused have committed a cognizable, therefore, they are liable to be prosecuted under the law.

4. Learned Additional PG appearing for the State also supported the contentions of the learned counsel for the applicant/proposed accused by contending that in existence of civil dispute between the parties and registration of series of criminal cases against each other by both the parties, the private respondent again intends to get register another criminal cases, if it is registered, definitely, it would be a futile exercise, therefore, he prayed for setting-aside the impugned order.

5. I have heard the learned counsel for the applicant/proposed accused, learned counsel for private respondent, learned Additional PG for the State and perused the record. At the very inception of the proceedings, a specific question was asked from the learned counsel for the private respondent that though as per the version as setout in the memo of instant criminal miscellaneous application by the private respondent that he after selling buffalo-calf at the *cattle pirri* was returning back but on the way the proposed accused snatched the amount from him on the force of weapons, either he has produced any receipt of *cattle pirri*, to which he failed to give any satisfactory reply nor has attached such receipts of *cattle pirri* with the instant application. In the circumstances, at this stage the version of the private respondent cannot be believed to be trustworthy. Consequently, the instant criminal miscellaneous application is allowed and the impugned order dated 20.08.2020 passed by 3<sup>rd</sup>. Additional Sessions Judge / Ex-Officio Justice of Peace, Naushahro Feroze is set-aside. However, the private respondent is at liberty to file direct complaint of the incident before the competent Court of law, having jurisdiction, if so advised.

Judge