

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

Cr. Misc. Appln. No. S – 320 of 2021

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.2673/2021 (S/A)

23.08.2021

Mr. Aamir Mustafa Kamario Advocate for the Applicant
 Mr. Shafi Muhammad Mahar, DPG for the State a/w ASI Ghulam Rasool of
 Police Station 'A' Section Ghotki
 Private respondent Rehmatullah Kolachi present in person

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AMJAD ALI SAHITO, J- Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 20.05.2022 passed by learned Sessions Judge/ Ex-Officio Justice of Peace, Ghotki, whereby the application filed by the applicant under Section 22-A(6)(I) Cr.P.C, was allowed.

2. It is contended by learned counsel for the applicant/proposed accused that the private respondent in order to drag the applicant in false criminal case has cooked up a false story; that the private respondent has criminal record; that as per the report furnished by DSP (Complaint Cell) Ghotki no such offence has been committed by the applicant/ proposed accused; that the learned Sessions Judge / Ex-Officio Justice of peace without considering the facts has passed the impugned order in a hasty manner thereby directed for registration of a criminal case against the applicant/proposed accused. He lastly prayed that the impugned order may be set-aside.

3. The private respondent Rehmatullah Kolachi as well as learned DPG for the State support the impugned order and prayed for dismissal of instant Criminal Miscellaneous Application by contending that son of the private respondent namely Nadeem Ahmed was murdered by the proposed accused persons in a brutal manner by making hole in the head from backside, as such a cognizable offence has been

committed by the proposed accused, therefore, they are liable to be prosecuted under the law.

4. I have heard the learned counsel for the applicant/proposed accused, private respondent Rehmatullah as well as learned DPG for the State and perused the record. There may be family brawl between the parties, whatsoever, but as per the version of the applicant the proposed accused has called to the deceased Nadeem Ahmed from his cellphone for reaching at his house for picking his family, hence in response to such call, the deceased went there and did not return and as per version of the private respondent, his son was done to death by causing injuries on the backside of his head by making hole either through drill machine or some firearm weapon. In the circumstances, at this stage the version of the private respondent / applicant cannot be disbelieved. Consequently, the instant criminal miscellaneous application is dismissed and interim order dated 21.05.2021 is recalled and the impugned order dated 20.05.2021 passed by Sessions Judge / Ex-Officio Justice of Peace, Ghotki is maintained. Respondent No.1 / SHO Police Station 'A' Section, Ghotki in Court is directed to register the FIR of the private respondent / applicant Rehmatullah as per his verbatim.

Judge