

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

**Cr. Misc. Appln. No. S – 84 of 2021**

Date

Order with Signature of Hon'ble Judge

**Priority case**

1. For hearing of main case
2. For hearing of MA No.708/2021 (S/A)  
(Notice issued)

**06.09.2021**

Mr. Allah Wassayo Ujjan Advocate for the Applicant  
 Mr. Aftab Ahmed Shar, Additional PG for State a/w SIP Muhammad Bachal,  
 SHO Police Station Kotdiji

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**AMJAD ALI SAHITO, J:-** Through instant Criminal Miscellaneous Application, the applicant / proposed accused has impugned the order dated 26.01.2021 passed by learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Khairpur, whereby the application filed by the private respondent under Sections 22-A and 22-B Cr.P.C, was allowed.

2. It is contended by learned counsel for the applicant/proposed accused that the learned Ex-Officio Justice of Peace has passed the impugned order in a very hasty manner without considering the material placed on record; that no offence as alleged has been committed by the applicant / proposed accused, whereas, the private respondent with *malafide* intentions and ulterior motives intends to register a false criminal case against the applicant/proposed accused and others just to drag the proposed accused / police officials in false criminal case. He lastly prayed that the impugned order is liable to set-aside.

3. Learned Additional PG appearing for the State supported the impugned order and prayed for dismissal of the instant application by contending that the proposed accused being police officials have committed a cognizable offence, therefore, they are liable to be prosecuted under the law.

4. I have heard the learned counsel for the applicant / proposed accused, learned Additional PG for the State and perused the record. From the perusal of the record, it reflects that as per version of the private respondent that the proposed accused being the police officials on 01.01.2020 at 1:00 am (night) trespassed into his house and they were identified on the light of bulbs. The allegations as setout in the memo of application by the private respondent against the proposed accused are serious in nature. The version of the private respondent is supported by the medical certificate of Mst. Pirh issued by the Women Medical Officer, KMC Civil Hospital, Khairpur regarding her termination of the eight months pregnancy due to harassment of the proposed accused. In the circumstances, the version of the private respondent at this stage cannot be disbelieved. The impugned order dated 26.01.2021 passed by learned Additional Sessions Judge-I/ Ex-Officio Justice of Peace, Khairpur does not call for any interference by this Court, resultantly the same is maintained. The instant Criminal Miscellaneous Application is dismissed. Respondent No.2 / SHO Police Station, Kotdiji present in Court is directed to comply-with the impugned order dated 26.01.2021 passed by learned 1<sup>st</sup>. Additional Sessions Judge / Ex-Officio Justice of Peace, Khairpur.

Judge