

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Misc. Application No.S-72 of 2023

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1. For Orders on office objection.
2. For Orders on MA No. 677/2023 (Ex./A)
3. For hearing of main case.

**24-10-2023.**

Mr. Sundar Khan Chachar advocate for the applicant.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. The facts in brief necessary for disposal of instant Crl. Misc. Application are that the private respondent got his grandson Ghalib Hussain admitted in ICU children ward Civil Hospital Sukkur for treatment of his ailment, he gone missing there from. On the basis of such allegation, he lodged an FIR with PS C-Section Sukkur, it was recommended by the police to be disposed under "A" class, such recommendation was declined and cognizance of the offence was taken by learned IInd Judicial Magistrate, Sukkur vide order dated 18-12-2022, which the applicant has impugned before this Court by making instant Crl. Misc. Applicant u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the FIR was lodged with delay of about two days; the offence was unseen and report of the police was based on the honest investigation; therefore, learned trial Magistrate ought not to have taken the cognizance of the offence by way of impugned order, such order being illegal is liable to be examined by this Court.

Heard arguments, perused the record.

Whatever is stated by the complainant in his FIR is supported by his witnesses. The allegation on face of it was serious in nature, same could not be defeated in summary manner under the deception that the FIR of the incident is lodged with delay of about two days and incident is unseen. Learned trial Magistrate obviously on the basis of material brought before him has taken the cognizance of the offence by way of impugned order, which is not appearing to be illegal to be interfered with by this Court by way of instant CrI. Misc. Application. It is dismissed in limine directing the applicant to advance his grievance, if any before learned trial Court by joining the trial, if so advised to him.

**Judge**

Nasim/P.A.

