

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Misc. Application No. S-909 of 2023
(*Roshan Ali Jiskani Vs. SHO PS Rohri & others*)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on CMA No. 7548/2023 (U/A)
2. For Orders on office objection.
3. For Orders on CMA No. 7549/2023 (Ex./A)
4. For hearing of main case.

14-12-2023.

Mr. Abdul Sattar Shar, advocate for applicant.

1. Granted.
2. Over ruled.
3. Granted.
4. The applicant way of instant CrI. Misc. Application has impugned order dated 16-11-2023 whereby his application u/s 22 A/B Cr.P.C for issuance of direction against the police to record his statement for purpose of FIR against the private respondent for allegedly having issued a cheque in his favour dishonestly has been dismissed by learned IVth Additional Sessions Judge (Hudood) Sukkur.

It is contended by learned counsel for the applicant that a cognizable offence has taken place; therefore learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of impugned order, same being illegal is liable to be set aside by this Court with direction to police to record the statement of the applicant for purpose of FIR.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that subject cheque has been issued in favour of the applicant by the private respondent dishonestly and for that his FIR is not being recorded by the police, even then he has an alternate remedy to exhaust by filing a direct complaint of the incident before the Court having jurisdiction; such remedy if is exhausted by him besides being alternate would be adequate in the circumstances for the reason that the police has hardly to do anything in the case like present one on investigation as entire evidence which is likely to be collected by the police is already lying with the applicant. No illegality even otherwise is noticed in the impugned order which may justify this Court to make interference with the same by way of instant Crl. Misc. Application, it is dismissed in limine.

J U D G E

Nasim/P.A