

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Misc. No. 157 of 2022

Date	Order with signature of Judge
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- 1.For order on MA No.3960/2023
- 2.For hearing of main case
- 3.For hearing of MA No.2926/2022

11.07.2023

None present for the applicant.
Mr. Talib Ali Memon, APG.

None present for the applicant. Through Cr. Misc. Application order dated 20.01.2023 has been challenged where the learned Sindh Environmental Protection Tribunal chose to dismiss the application made by the present applicant under Section 265-K.

Brief facts of the case are that the respondent No.8 complained that the applicant is running a soap factory where very hazardous substance are being disposed which are polluting the area resulting in the spread of diseases particularly skin allergy and the same the said soap factory is adversely affecting their lives.

Notice was served upon the applicant and during pendency of complaint, the application filed an application under Section 265-K Cr.P.C. The learned Tribunal had concluded that provisions of Section 265-K Cr.P.C do not provide for dismissal of any complaint or criminal case but it empowers the Court to acquit the accused if there is no probability of his conviction and in the instant case, no charge was framed as the complainant is has only sought prayer for issuance of directions for the soap factory to adhere provisions of Environment

Protection Act, 2014 which prayer as per Tribunal cannot have been challenged under Section 265-K Cr.P.C. After going through the record and the impugned order, I do not see any illegality in the impugned order. The applicant is required to take appropriate measures to make assure that his factory is being operated within the safeguard and the provisions provided under the Environment Protection Act, 2014. Filing of application under Section 265-K Cr.P.C is utterly meritless. I do not see how the impugned order can be interfered with. Resultantly, instant criminal miscellaneous application is dismissed along with pending applications

JUDGE

Aadil Arab