

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Misc. Application No. 168 of 2023**

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*Date*

*Order with Signature of Judge*

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*For hearing of Main Case.*

**17.08.2023**

Mr. Munir Ahmed Gilal, Advocate for the Applicant.  
Ms. Seema Zaidi, Addl. Prosecutor General, Sindh.  
Mr. Ahmed Ali Ghumro, Advocate for Respondent No.2.

**-x-x-x-x-x-**

In compliance of directions contained under previous order dated 20.07.2023, the trial Court / 1<sup>st</sup> Judicial Magistrate, Malir Karachi has recorded statement / deposition of complainant Mudasir Shahid on 12.08.2023 as PW-1 vide Exhibit.03. In support of his contention, learned counsel for respondent No.2 submits deposition of the complainant, taken on record.

Learned counsel for the applicant submits that there was no evidence against the accused, therefore, police / I.O had disposed it of under 'C' class but the Magistrate concerned has wrongly taken cognizance; hence, impugned order being illegal, may be set-aside and the applicant may be discharged from the proceedings.

Since there is documentary evidence upon which basis, learned Magistrate had taken cognizance and the accused / applicant has right to rebut the allegations through cross-examination, this application, in view of above legal position at this juncture, is not maintainable. Consequently, same is hereby dismissed. The trial Court; however, is directed to expedite the trial and after providing equal opportunity of hearing to either side, decide the fate of the case within three (3) months' time, under intimation to this Court through MIT-II.

**JUDGE**