

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

## Criminal Revision Application No. S - 54 of 2022

(Mst. Bakhtawar Soomro v. Zahid Khand and others)

Date of hearing : 23.08.2023

Date of decision : 23.08.2023

Applicant Mst. Bakhtawar Soomro, present in person.

Mr. Muhammad Ali Dayo, Advocate holding brief for Mr. Mukesh Kumar

G. Karara, Advocate for respondents No.1 & 2.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

### **ORDER**

**Muhammad Iqbal Kalhoro, J. -** I have heard applicant in person. She has filed this Revision Application against an order dated 02.06.2022 in Direct Complaint No.06 of 2022 for offences under Sections 506-II, 509, 342, 500, 511, P.P.C. passed by learned Additional Sessions Judge-IV (Hudood), Sukkur, whereby said Direct Complaint filed by her against respondents has been dismissed in *limine* after recording her statement under Section 200, Cr.P.C.

2. She is present and submits that the learned trial Court without adverting to facts of Direct Complaint and her statement recorded under Section 200, Cr.P.C., has dismissed her Direct Complaint, and she was not afforded an opportunity to examine her witnesses.

3. Learned Additional P.G. does not support the order. Mr. Mukesh Kumar G. Karara, learned Counsel for respondents No.1 & 2, has chosen to remain absent and brief on his behalf is being held by Mr. Muhammad Ali Dayo, Advocate.

4. I have heard the parties and perused the material available on record. It seems that the Court, to which the Direct Complaint was assigned for proceeding, without recording statements of witnesses of complainant, dismissed the same by quoting some discrepancies between the Direct Complaint and the statement of complainant recorded under Section 200, Cr.P.C. It goes without saying that at the

stage of preliminary inquiry, deeper appreciation of available record is neither required nor desired, and it is to be judged tentatively whether or not complainant has succeeded in establishing a *prima facie* case for the purpose of trial against the proposed accused. In the impugned order, however, it appears that the learned Court has attempted to decide the whole case by comparing the statement of complainant recorded under Section 200, Cr.P.C., the purpose of which is to bring in the attention of the Court a brief of allegations for a notice, with the contents of Direct Complaint, but that too, without extending her an opportunity to examine her witnesses to support, or otherwise, her.

5. In the circumstances and with consent of Additional P.G., the impugned order is set aside; the Revision Application is **allowed** and the **case is remanded back** to the same Court for proceeding with in accordance with law and affording an opportunity to applicant to examine her witnesses, hear her afresh and then pass an order in accordance with law determining whether or not there is substantive material, and against whom, for bringing the Direct Complaint on regular file.

The Revision Application is accordingly **disposed of**.

Abdul Basit

J U D G E