

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr. Misc. Appln: No.S-303 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection
For hearing of main case

11.09.2023.

Agha Abdul Nabi advocate for applicant.
Ms. Rameshan Oad, A.P.G. for the State.

ZULFIQAR ALI SANGI, J.-Through instant application, applicant has assailed the order dated 28.03.2023, passed by learned Vth. Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Cr. Misc. Application No.1035 of 2023 filed by applicant under section 22-A 6(i), Cr.P.C for registration of FIR against the proposed accused, whereby learned trial Court after hearing the parties dismissed the application of the present applicant, hence this application.

Learned counsel for applicant submits that impugned order is opposed to law, facts and equity and the trial Court ignored the material facts while passing the impugned order without applying his judicial mind as respondent No.2/SHO is duty bound to register the FIR with regard to the commission of offence as and when he received every information in writing or in oral, therefore, the impugned order may be set aside.

Conversely learned A.P.G supported the impugned order as learned trial Court has rightly passed the said order, hence instant application is liable to be dismissed.

Heard learned counsel for applicant and learned A.P.G. appearing on behalf of the State and have perused the material available on record with their able assistance.

From the perusal of record, it reflects that the story narrated by the applicant in his application alleging therein that on 25.11.2022 at about 1900 hours, proposed accused came to his house to meet with his mother, who are known to the applicant's mother through their family and went out of the room to get water, they stolen golden ornaments etc from his house and he filed application before the learned trial Court on 07.03.2023 after delay of three months and 12 days, for which, no plausible explanation has been furnished that if such type of incident had taken place in his house, why he remained silent for such long period. Learned trial Court also observed that report was called from the concerned SHO, which too does not disclose such incident

took place within his area. In such circumstances, no illegality is found in the impugned order, as it has rightly been passed by the learned Justice of Peace. Resultantly, this application is dismissed.

JUDGE

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