

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Criminal Misc. Application No.783 of 2023**  
(*Muhammad Saleem and 05 others v. Nazirullah Mehsood and another*)

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DATE:	ORDER WITH SIGNATURE OF THE JUDGE
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1. For order on office objection (Flagged)
2. For hearing of main case
3. For hearing of MA No.12289/2023

**06.05.2024**

Mr. Mohamed Vawda, advocate for the applicants  
Mr. Mumtaz Ali Shah, Asstt: PG for the State  
Mr. Nazirullah Mehsood, advocate/respondent in person  
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The facts in brief necessary for the disposal of the instant Crl. Misc. Application under Section 561-A Cr.PC are that the private respondent filed a complaint against the applicants; it was brought on record by learned IVth-Senior Civil Judge Karachi West/ Special Court for Cooperative Societies Karachi Division vide order dated 08.08.2023 which is impugned by the applicants before this Court by preferring the instant Crl. Misc. Application.

It is contended by learned counsel for the applicants that no offence as alleged by the private respondent has taken place and the complaint was filed without the sanction of the Registrar, which was essential in terms of sub-section (3) to Section 104 of the Sindh Cooperative Societies Act, 2020. By contending so, he sought to set aside the impugned order being illegal.

Learned Asstt. PG for the State and the private respondent in person by supporting the impugned order have sought the dismissal of the instant Crl. Misc. Application by contending that the applicant was having a remedy to exhaust in terms of Section 439-A Cr.PC before Sessions Court.

Heard arguments and perused the record.

The order passed by an Assistant Sessions Judge normally is to be examined by the Sessions Court on the filing of revision application u/s 439-A Cr. P C. No cogent reason in advance by the applicants for having approached this Court directly without exhausting such remedy. If for the sake of arguments, it is believed that the applicants being innocent have been involved in the subject case falsely by the private respondent in an incompetent complaint then they have a remedy to seek their premature acquittal on such basis by applying Section 249-A Cr.PC or 265-K Cr.PC as the case may be before the learned trial Court. No case for interference with the impugned order by this Court is made out by way of instant Crl. Misc. Application; it is dismissed accordingly.

JUDGE

Nadir\*