

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No. S-216 of 2024
(*Syed Shahzad Ali Shah Vs. The State & others*)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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Date of hearing and Order 13-05-2024

Mr. Achar Khan Gabol, advocate for the applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State along
with SHO PS "C" Section Sukkur.

ORDER.

Adnan-ul-Karim Memon J:- The applicant Syed Shazad Ali Shah is aggrieved by and dissatisfied with the order dated 24.4.2024 passed by learned IVth Additional Sessions Judge (Hudood)/Ex-Officio Justice of Peace Sukkur passed in Crl. Misc. Application No. 1098/2024, whereby the application under section 22-A & B Cr. P.C filed by the complaint Syed Rehan Shah for registration of the FIR against the applicant and others was allowed, hence the applicant has preferred the instant Crl. Misc. Application on the analogy that the applicant had disclosed the commission of the cognizable offense in terms of a medical certificate to the effect that injury sustained by the complainant was declared as Shujah-e-Hashmiah by the medical officer which in terms of section 337A(iii) PPC was/is cognizable as per schedule of CR.P.C, which requires investigation strictly according to law.

2. This Court vide order dated 29.4.2024 directed that the impugned order passed by learned IVth Additional Sessions Judge (Hudood)/Ex-Officio Justice of Peace Sukkur passed in Crl. Misc. Application No. 1098/2024 shall remain in abeyance, however, today SHO PS "C" Section Sukkur has placed on record a copy of F.I.R No.107 of 2024 registered against the applicant and others. As per SHO, he received the order of this Court on 30.4.2024 and F.I.R had already been registered on 29.4.2024 as such he was/is not

at fault, in support of his contention, he relied upon the police diary dated 30.4.2024 and prayed for disposal of this Crl. Misc. Application in the terms that the FIR has already been registered on the complaint of Rehan.

3. Since the F.I.R No. 107/2024 for offences under section 324, 506/2 & 504 PPC of PS C-Section Sukkur has already been registered, which is based on the medical certificate issued by the Medico-Legal Officer, therefore this court is left with no option but to dispose of this Criminal Miscellaneous Application with direction to the aggrieved party to avail the remedy under law. The interim order dated 29.4.2024 is hereby recalled, because of the latest development of the case.

4. This Criminal Miscellaneous Application is disposed of in the above terms.

J U D G E

Nasim/P.A