

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Misc. Application No. S-389 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

19.09.2024

Mr. Shawal Khan Lashari advocate for respondent No.6.
Ms. Rameshan Oad, A.P.G.

ZULFIQAR ALI SANGI, J.- None appeared on behalf of applicant nor any intimation received.

From perusal of impugned order, it reflects that while deciding the application u/s 22-A & B Cr.P.C. Ex-Officio Justice of Peace has passed the following order:

*“After hearing the learned counsel for applicant, proposed accused in person and learned DDPP for State as well as perused the material available on record special report of SP complaint Matiari which shows that, there is dispute in between both the parties over the connection of electricity, beside this proposed accused gave verbally undertaking, **hence in view of undertaking proposed accused are strictly directed to re-install the electricity poll as per their routine plan and supply the electricity to applicant as soon as possible, in case of failure applicant is at liberty to knock the door for contempt proceedings against the WAPDA authorities.**”*

The power of Ex-Officio Justice of Peace has been discussed in detail in the case of ***MIR MUHAMMAD SHAIKH Vs. The STATE and 2 others (PLD 2020 Sindh 556, MUKHTIAR ALI Vs. The STATE and 4 others (2019 P.Cr.L.J. 1201)*** and order dated 04.10.2021 in Criminal Miscellaneous Application No.S-709/2020 (It was circulated for guideline). No authority or power is given to Ex-Officio Justice of Peace for passing such like orders while exercising jurisdiction under Section 22-A and B Cr.P.C. Under such circumstances, this application is allowed and the order dated 30.05.2020 is set-aside.

J U D G E