

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No.S-171 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For Orders on MA No. 1646/2024 U/A.
2. For Orders on office objection.
3. For Orders on MA No. 1647/2024 (Ex./A)
4. For hearing of main case.
5. For Orders on MA No. 1648/2024 (Stay)

16-04-2024.

Mr. Abdul Haseeb Khuhro advocate for the applicant.

1. Granted.
2. Over ruled.
3. Granted subject to all just legal exceptions.

4&5. The facts in brief necessary for disposal of instant Crl. Misc. Application are that an FIR with regard to theft of his gold ornaments and other belongings was lodged by the private respondent with PS Kandhra, it was recommended by the police to be cancelled under "C" class, such recommendation was not accepted by learned IInd Judicial Magistrate Rohri, who took the cognizance of the offence vide order dated 22-03-2024, which is impugned by the applicant before this Court.

It is contended by learned counsel for the applicant that the opinion of the police was based on honest investigation; therefore, learned trial Magistrate ought not to have rejected the same. By contending so, he sought for examination of the impugned order.

Heard arguments and perused the record.

The burden to make out a case for cognizance is light; same could not be equated with the burden to prove the case at trial. Whatever is stated in

the FIR takes support from ancillary evidence; it has been disbelieved by the police by making a conclusion that there is matrimonial dispute between the parties. Learned trial Magistrate on the basis of material brought on record has taken the cognizance of the offence by way of impugned order, same is not found illegal to be interfered with by this Court by way of instant CrI. Misc. Application, it is dismissed in limine directing the applicant to prove his innocence by joining the trial, if so is advised to him.

J U D G E

Nasim/P.A

