

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.383 of 2020.

Cr. Misc. Appln No.431 of 2020.

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Date:           Order with signature(s) of the Judge(s)  
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Priority Cases.

1. For Orders on Office Objection at flag 'A'
2. For Hearing of Main Case.
3. For Hearing of MA No.9501/2020.

25<sup>th</sup> June, 2021.

M/s. Rehan Kiyani and Shariq A. Razzaq advocates for the applicant.

Mr. Fariduddin Qureshi advocate for respondent No.2.

Mr. Hussain Bux Baloch, Additional P.G. Sindh.

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Para-3 of impugned order reflects that trial court while exercising powers under Section 204 Cr.PC issuedailable warrants while taking the complaint on record under Section 420/406/506-B/109/34 PPC whereas, admittedly trial court has failed to adjudicate the issue or referred any ingredients of those sections as narrated by complainant or his witnesses under statement record during preliminary hearing, hence, this is a fit case for remand to trial court, with direction to hear all parties and decide the same while taking into consideration all litigation pending between the parties and nature of case. Needless to mention that scope of cognizance in direct complaint is to see that the nature of case as prime facie but not with deeper appreciation of evidence. Accordingly, impugned order is set-aside, case is remanded to trial court to decide the same afresh. This exercise shall be completed within one month.

Instant Cr. Misc. Applications are disposed of in above term. Office is directed to place copy of this order in connected matter.

JUDGE