

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Misc. Appln. No. S- 25 of 2014.

Date of hearing	Order with signature of Judge
28.04.2014.	

For Katcha Peshi.

Mr. Mubashir Ali Solangi, Advocate for applicant.
Mrs. Seema Imtiaz, A.P.G.

Through instant application, applicant has assailed the Order dated 9th December, 2013, in Crl. Misc. Appln. No.766/2013, whereby Ex-Officio Justice of Peace/Sessions Judge, Larkana, declined application under Section 22-A & 22-B Cr.P.C.

Learned counsel for the applicant inter-alia, contends that it is duty of the concerned SHO to record statement of the informant, thus impugned order is against settled principles of criminal administration of justice. In support of his contention he has relied upon 2014 SCMR 83.

Conversely, learned A.P.G. says that applicant intends to misuse section 22-A & 22-B Cr.P.C., as admittedly there is civil dispute between the parties and contentions also reflect that same are not narrating any cognizance of offence.

While perusal of impugned order it appears that learned Ex-Officio/ Justice of Peace, has observed that there is dispute between the parties over the possession of landed property, the report of police is not rebutted to, and case of *Rai Ashraf* (PLD 2010 S.C 691), was also relied upon. However, parties are left to exhaust alternate remedy.

Proposed accused are present. Rustam Ali proposed accused appears to be very old age man and narration of application in para 3, in juxtaposition of impugned order reflects that there is no illegality committed by the trial Court, therefore, instant application is dismissed.


Judge