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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. Misc. Appln. No. S- 24 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection 'A'
2. For orders on M.A No.764/2015 (E/A)
3. For Katcha Peshi.

28.10.2015

Mr. Muhammad Sharif Awan and Mr. Irshad Ali Chandio advocates for the applicant.

Mr. Khadim Hussain Khooharo, DPG.

Mr. Abdul Rasool Abbasi, advocate for Respondent No.4.

At the outset it appears that after lodgment of FIR in Crime No.219/2014 summary report was submitted in 'C' class but cognizance was taken by learned Magistrate. Thereafter case was referred to the Court under section 190 (3) Cr.PC in the Court of District & Sessions Judge, where case is pending and charge has been framed. Accordingly, applicant has alternate remedy to approach the concerned trial Court for filing application under section 265-K, Cr.PC if no iota of evidence is available against him. With regard to the last portion of impugned order that Magistrate directed concerned SHO for submission of challan, learned counsel has relied upon 2011 SCMR 1430. I am in agreement with the proposition of learned counsel for the applicant that such direction is unwarranted. Further cognizance was taken by the Magistrate so that portion of order is immaterial and Courts are required to adjudicate cases on merits and not on technicalities. Accordingly, instant Crl. Misc. Application is dismissed.


Judge

Abid H. Qazi/**