

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Miscellaneous Application No.1190 of 2024

Date: Order with signature of Judge(s)

For orders on maintainability of the instant Criminal Miscellaneous Application

05.05.2025

Mr. Muhammad Ahmed Leghari, Advocate for the Applicant.
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KHALID HUSSAIN SHAHNI, J; - Applicant Mir Muhammad Leghari has invoked the constitutional jurisdiction of this Court, challenging the order dated 24.09.2024 passed by the learned XVth Judicial Magistrate, Karachi East, whereby his application under Sections 3 and 4 of the Contempt of Court Ordinance, 2003 was dismissed.

The record has been examined and submissions heard. A plain reading of the impugned order reveals that the learned trial Court was seized of a case bearing Crime No. 930/2023 registered under Section 489-F PPC at P.S. Shahrah-e-Faisal. The investigating officer (I.O.) had submitted a challan under Section 512 Cr.P.C., declaring the accused as an absconder, upon which the learned Magistrate issued non-bailable warrants of arrest and directed the I.O. to furnish a progress report.

The progress report submitted by the I.O. indicated that diligent efforts were undertaken to apprehend the accused, but the same remained unexecuted due to the accused's continued concealment. Dissatisfied with this outcome, the complainant's counsel appears to have sought further steps. Consequently, the learned trial Court, in a well-reasoned order, directed the SSP Investigation to assign the matter to a different officer for further pursuit. In compliance, SIP Muhammad Sultan Faqeer was deputed, who not only made substantial efforts to effect the arrest but also submitted fortnightly reports in accordance with the Court's directions.

From the record, it is manifest that the concerned officer complied in letter and spirit with the directives of the Court. As such, no contempt proceedings were warranted against the investigating agency, particularly when there existed no wilful disobedience or dereliction of duty on their part. The learned Magistrate has rightly observed that in the absence of

demonstrable and deliberate non-compliance, invocation of contempt jurisdiction would be misconceived.

No cogent or convincing ground has been brought forth by learned counsel for the applicant which could justify interference with the impugned order. The actions taken by the competent authority, the SSP Investigation, are found to be in consonance with law and in due compliance with judicial directives.

Accordingly, no illegality, infirmity, or procedural impropriety has been pointed out that would warrant exercise of this Court's constitutional jurisdiction under Article 199 of the Constitution.

In view of the above, the instant Criminal Miscellaneous Application, being devoid of merit, is dismissed in limine along with all pending applications, if any.

J U D G E