

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Misc. App. No. S – 735 of 2025**

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

**Fresh case**

- 1. For orders on MA No.6775/2025 (U/A)
- 2. For orders on office objections at Flag-A
- 3. For orders on MA No.6776/2025 (Ex./A)
- 4. For hearing of main case
- 5. For orders on MA No.6777/2025 (S/A)

**25.11.2025**

Mr. Alam Sher Khan Bozdar, Advocate for applicant.

.....

- 1.** Urgency is allowed.
  
- 2.** As to office objections, learned Counsel requires time to comply to the same; however, he requires hearing. As such, matter is being heard irrespective to the office objections.
  
- 3.** Exemption is granted subject to all just legal exceptions.
  
- 4 & 5.** Learned Counsel for the applicant contends that the order dated 20.11.2025, as passed by the Judicial Magistrate-I, Ubauro in Summary No.18/2025 based upon Crime No.164/2025 of Police Station Ubauro under Section 489-F, PPC has been impugned in the matter, whereby the said Court, disagreeing to the final report under Section 173, Cr.P.C. submitted by the Investigating Officer under ‘C’ class, has taken cognizance. Learned Counsel for the applicant further contends that the complainant is a person working for the present applicant and had wrongly used the cheque in question acquiring the same from the business premises of the applicant, and in this regard, material was acquired by the Investigating Officer by way of CDR report, and conclusion made in the matter is also based upon the earlier FIR as lodged by the applicant at Police Station Docks, District Keamari, bearing No.407/2025, and in the said circumstances, the cognizance was not available as taken by the learned Court by way of the impugned order. Learned Counsel lastly contended that the applicant being a businessman shall be facing very

difficult situation in case the trial is conducted, and as such, the impugned order is liable to be disturbed or at least set aside and the matter be remanded for passing of fresh order as the detail of material brought up by the Investigating Officer has not been discussed.

Having heard the learned Counsel and gone through the record, the learned Counsel's contentions may be correct to the extent that all the material may have not been discussed by the learned Magistrate in passing of the impugned order; however, the material as brought forwarded by the Investigating Officer in the present form prima facie requires going through the process of evidence for the trial Court to conclude the matter. Learned Counsel for the applicant was called upon to show as to the non-taking of the cognizance and material brought forwarded requiring such exercise, to which nothing was liable to be found.

Accordingly, this criminal miscellaneous application along with the listed application found having no merits in respect to the taking of the cognizance order stands **dismissed**; however, the applicant is free to exercise available options before the learned Magistrate in respect to the remedies available to him.

J U D G E

Abdul Basit