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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Misc. Appln. No.S-26 of 2024

Date of
Hearing
26.02.2024.

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For hearing of Main Case.
3. For hearing of M.A. No.211/2024.

Mr. Riazat Ali Sahar, Advocate along with applicant.
Mr. Ali Anwar Kandhiro, Addl. P.G.

Mr. Azizullah M. Buriro advocate files Vakalatnam on behalf of respondent No.3, taken on record.

Learned Counsel for the applicant submits that the Judicial Magistrate-III, Mehar, before passing the impugned order dated 28.12.2023 has not afforded opportunity of hearing to the applicant, thereby the applicant has been condemned unheard. He, therefore, submits that it will be appropriate if the impugned order is set aside and the concerned Magistrate may be directed to pass an appropriate order after providing full opportunity of hearing to all parties concerned.

Learned Addl. P.G. as well as learned Counsel for the respondent No.3, do not oppose the above request of learned Counsel for the applicant.

In view of above, the impugned order dated 28.12.2023 passed by Judicial Magistrate-III, Mehar on the report u/s 173 Cr.P.C submitted by the I.O. in respect of Crime No.10/2023, PS Bhand Mari, u/s 302, 324, 148, 149, 504, 404, 114, PPC is hereby set aside, with direction that the Magistrate should afford full opportunity of hearing to all the parties and then pass fresh order in accordance with law.

Instant criminal miscellaneous application stands disposed of in the terms stated above along with pending application(s), if any.


JUDGE