

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Miscellaneous Application No.S-302 of 2026.

[Irfan Ali and another vs. The State and others].

Date	Order with signature of Judge
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1. For orders on CMA No.2757/2026 (U/A).
2. For orders on CMA No.2758/2026 (Ex/A).
3. For hearing of main case.
4. For orders on CMA No.2759/2026 (S/A).

30.04.2026.

Mr. Toufique Hussain Noonari, Advocate for applicants.

1. Urgency Granted.

2to4. Through the instant Criminal Miscellaneous Application, the applicants have assailed the order dated 28.04.2026 passed by the learned Additional Sessions Judge / Ex-officio Justice of Peace, Kandiaro, on an application filed by Respondent No. 5, whereby it was directed that his statement be recorded and, if a cognizable offence is disclosed, the same be incorporated in the record in terms of Section 154, Cr.P.C. The applicants, being nominated as proposed accused in the said proceedings, have felt aggrieved and have challenged the impugned order.

2. The crux of the proceedings before the learned Justice of Peace was that Respondent No. 5 moved an application under Sections 22-A and 22-B, Cr.P.C, asserting that the present applicants had issued cheque amounting to Rs. 3,000,000/- in consideration of the purchase of property. Upon presentation, the said cheque was dishonoured; whereafter Respondent No. 5 approached the competent forum. The learned Justice of Peace, after calling for a report from the concerned police authorities, passed the impugned order.

3. Learned counsel for the applicants contended that the cheque in question were, in fact, stolen, and that a false and fabricated story

has been set up by Respondent No. 5. It is further argued that no cheque was issued in discharge of any lawful obligation, and that Applicant No. 1 had already approached the police for lodging a non-cognizable (N.C.) report in this regard. On these premises, it is prayed that the impugned order be set aside.

4. Heard. Record perused.

5. On a tentative assessment, it transpires that the application filed before the learned Justice of Peace was supported by documentary material relating to the issuance and subsequent dishonour of the cheque. The learned Justice of Peace, while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C., is required to examine whether the facts narrated prima facie disclose the commission of a cognizable offence, without entering into a deeper appreciation of evidence or recording findings on merits. In this regard, reliance is placed upon the case of *Syed Qamber Ali Shah vs. Province of Sindh (2024 SCMR 1123)*, wherein it has been held that the Justice of Peace is not to undertake a meticulous or punctilious examination of the evidence, nor to determine the veracity of the allegations, but merely to satisfy himself whether the information placed before him discloses a cognizable offence warranting registration of an F.I.R. In the present case, the learned Justice of Peace, after considering the material available on record, has rightly concluded that Respondent No. 5 is entitled to invoke his statutory right.

6. In view of the foregoing reasons, no illegality or material irregularity has been pointed out which may warrant interference by this Court in the impugned order. Consequently, the instant Criminal Miscellaneous Application is hereby dismissed, and the impugned order is maintained.

J U D G E