

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

***Criminal Miscellaneous Application. No. S – 322 of 2026***  
*[Muhammad Ismail Kamboh vs. The State & others]*

**Fresh case**

1. For orders on MA No.3034/2026 (U/A)
2. For orders of MA No.3036/2026 (Ex.A)
3. For orders on MA No.3037/2026 (S/A)
4. For the hearing of the main case

**12.05.2026.**

Mr. Shabbir Ali Bozdar, Advocate for the Applicant

**ORDER**

**Ali Haider 'Ada' J:-** Through this Criminal Miscellaneous Application, the applicant has assailed the order dated 11.05.2026 passed by the learned Additional Sessions Judge, Kandiaro / Ex-Officio Justice of Peace, Kandiaro in Criminal Miscellaneous Application No.1191 of 2026, whereby the application filed by Respondent No.5/complainant against the present applicant, being proposed accused, was entertained and allowed with direction for registration of FIR, if cognizable offence was found to be made out.

At the very outset, learned counsel for the applicant/proposed accused submits that irrespective of the question whether a cognizable offence is made out or otherwise, the right of audience and fair hearing is a fundamental as well as statutory right available to the applicant. He contends that the learned Ex-Officio Justice of Peace, being a quasi-judicial forum, was under a legal obligation to afford an opportunity of hearing to all concerned parties before passing any adverse order. In support of his contention, learned counsel has referred to page-23 containing the police report as well as page-25 and submits that nothing on record reflects that the present applicant/proposed accused was either heard by the police authorities or afforded an opportunity of hearing by the learned Ex-Officio Justice of Peace. He, therefore, prays that the impugned order be set aside and the matter be remanded for decision afresh after providing a proper opportunity of hearing.

Mr. Imran Mobeen Khan, learned Assistant Prosecutor General, who is present in Court in connection with other matters, waives notice on behalf of the official respondents.

Heard learned counsel and perused the material available on record.

Prima facie, it appears that the learned Ex-Officio Justice of Peace neither reflected any submission on behalf of the present applicant in the impugned order nor recorded that notice was issued and duly served upon him before passing the impugned order. In such circumstances, the principle of *audi alteram partem*, which is one of the cardinal principles of natural justice, is fully attracted in the present matter.

It is a settled principle of law that a quasi-judicial forum is required to exercise its jurisdiction judiciously and not in a mechanical manner.

In view of the foregoing circumstances, the impugned order dated 11.05.2026 passed by the learned Additional Sessions Judge / Ex-Officio Justice of Peace, Kandiaro, in Criminal Miscellaneous Application No.1191 of 2026 is hereby set aside. Consequently, the matter is remanded back to the learned Additional Sessions Judge / Ex-Officio Justice of Peace, Kandiaro, with direction to rehear the application filed by Respondent No.5 and decide the same afresh in accordance with law after affording reasonable opportunity of hearing to all concerned parties.

Learned counsel for the applicant undertakes that the applicant shall appear and pursue the proceedings before the learned Additional Sessions Judge / Ex-Officio Justice of Peace, Kandiaro without awaiting fresh notice. The learned Ex-Officio Justice of Peace is further directed to pass a reasoned and speaking order after hearing all the parties concerned. With the above observations and directions, this Criminal Miscellaneous Application stands disposed of along with listed applications.

**JUDGE**