

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Misc. Appln. No.S-558 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
1. For orders on MA-7362/2026	
2. For orders on office objections.	
3. For orders on MA-7363/2026	
4. For hearing of main case.	
5. For orders on MA-7364/2026	

25.08.2026.

Mr. Abdul Majeed Lashari, Advocate for applicant.
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Applicant Rasheed Ahmed son of Haji Khan, the proposed accused No.2, is aggrieved by the order dated 17.07.2026 passed by the 2nd Additional Sessions Judge / Ex-Officio Justice of Peace, Tando Allahyar in Cr. Misc. Appln. No.497 of 2026, whereby the application under Section 22-A-6(i) Cr.P.C filed by the applicant/respondent No.3/Khalid Hussain s/o Muhammad Akbar, has been disposed of with a direction to the SHO to record the complainant’s statement.

Learned Counsel for the applicant submits that the applicant/proposed accused no.2 grievance arises from events occurring after the order was passed. He primarily relies on a Report submitted by the SHO concerned to the learned Ex-Officio Justice of Peace on 24.08.2026, which was admittedly filed after the impugned order dated 17.07.2026. He contends that the applicant is aggrieved by the submissions made therein. However, the impugned order under challenge must be adjudicated strictly within the parameters and factual record as it existed on the date of its issuance, i.e. 17.07.2026. Any subsequent events, submissions, or reports arising after the passing of the order cannot be used to assail the impugned order.

Additionally, he is also aggrieved that the brother of Khalid Hussain, i.e. Ashique Ali s/o Muhammad Akbar, had earlier filed an allegedly bogus complaint before the same Ex-Officio Justice of Peace, which had been dismissed vide Order dated 22.06.2026, and that respondent no.3/Khalid Hussain’s complaint should have met the same fate, as it too was fake. I have seen the Order dated 22.06.2026 passed in Ashique Ali’s complaint, which pertains to an alleged incident on 03.06.2026. Whereas, his brother’s complaint

(Khalid Hussain's) alleges that the incident took place on 22.06.2026. It is also supported by a provisional medical certificate. Both events are entirely different.

No case for interference is made out in the impugned order based on the subsequent report submitted by the SHO. Further, two orders passed by the same Ex-Officio Justice of Peace are alleged to have taken place on different dates, and, on different facts. The earlier event pleaded by one of the sons of Muhammad Akbar, rejected by the same Ex-Officio Justice of Peace, cannot be made the grounds for automatic rejection of separate facts pleaded by the other son of Muhammad Akbar, even if both the sons have attempted to make out a case against the same set of proposed accused. I do not find the impugned Order passed by the Ex-Officio Justice of Peace to be arbitrary and not supported by reasons.

Given the above, this application stands **disposed of** in the above terms.

JUDGE

Shahid