

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Misc. Application No.S-536 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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For orders on office objections.
For orders on exemption application.
For hearing of main case.

28-08-2026

Mr. Faheem Shaikh, advocate for the applicant.

At the outset, Statement dated 25.08.2026 filed by counsel for the applicant is taken on record.

Applicant-proposed accused No.1/Munsif Ali Jokhio is aggrieved by the order 31.07.2026 passed by the 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Criminal Miscellaneous Application No.4913 of 2026 wherein the Ex-Officio Justice of Peace allowed the application filed by the complainant Nawab Ali concerning an alleged bounced cheque issued by “Karawan Jannat ul Baqiya Travel Tours”. Counsel for the applicant contends that the applicant/ proposed accused No.1/Munsif Ali Jokhio has nothing to do with the account holder and/or entity, “Karawan Jannat ul Baqiya Travel Tours”.

I have gone through the impugned order dated 31.07.2026; however, as per law, any person having information regarding the commission of an offence is entitled to furnish such information to the police station concerned. Once such information is provided, the police officer must determine whether any offence is disclosed and, if so, whether the offence is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials for proceeding in either situation, including cases involving false information. In the present case, information is available on record concerning the bounced cheque, supported by the memo of dishonour mentioning “Insufficient funds in drawer’s account” as the reason for such dishonour. Further, tentatively,

as per the available information, the cheque is drawn on the entity named above, and it remains to be seen if any relation exists between the aforesaid entity and the proposed accused Nos.1 and 2, viz. the bank account on which the cheque is drawn. It is the job of the police officer to record the statement and proceed further in the matter, apply his own independent mind to the available information, and act strictly in accordance with law. This is not the domain of the Ex-Officio Justice of Peace.

Given the above, the impugned order dated 31.07.2026 is neither arbitrary nor capricious given the contours of the limited jurisdiction of the Ex-Officio Justice of Peace under Sections 22A & 22B CrPC. I concur with the conclusion reached by the learned Ex-Officio Justice of Peace, who directed the SHO to record the complainant's statement. It is expected that the SHO shall act in a fair, neutral, professional, and competent manner, and no person shall be arrested without the availability of evidence of his culpability.

Consequently, the instant Criminal Miscellaneous Application, along with the listed applications, stands dismissed in the above terms.

JUDGE

Irfan Ali