

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

Cr.Rev.Appl.No.S- 191 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

1. For orders on MA 7474/2019.
2. For orders on MA 6726/2019.

20.09.2019.

Mr. Noor-ul-Amin Sipio, Advocate for applicant.

Ms. Rameshan Oad, A.P.G. for the State.

=

Learned counsel inter alia has contended that the learned Special Judge, Anti-Corruption (Provincial) Hyderabad has not considered the fact that alleged forgery of the documents was committed in the year 1987-88 prior to filing of Civil Suit in the year 2005 and therefore, Section 195-C Cr.P.C. in terms of which his Direct Complaint was dismissed, was not applicable.

This contention has not been disputed by the learned Assistant Prosecutor General. Both the counsel have suggested that since apparently finding of the learned Special Judge, Anti-Corruption (Provincial) Hyderabad dismissing the Direct Complaint of applicant is based on a wrong assumption, the case may be remanded back for re-hearing the applicant and deciding the question afresh as to whether Section 195-C C.P.C. is applicable to this case in which it is alleged that forgery has been committed before the institution of suit or other proceedings in which the alleged forged documents have been produced or given in evidence in the light of case law reported in 2004 YLR 830.

I do not see any reason to disagree with the suggestion of both the learned counsel after going through the said case law and the impugned order. In view thereof, the impugned order is set aside, the matter is remanded back to the learned Special Judge, Anti-Corruption (Provincial), Hyderabad to re-hear the applicant / complainant on the

point as to whether or not cognizance of the offence alleged in Direct Complaint can be taken, and decide the issue in accordance with law.

In the above terms, this Criminal Revision Application stands disposed of alongwith listed applications.

JUDGE

Tufail/PA