

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Revision Application No. S-88 of 2024

Applicants: Roshan Ali and another *through* Mr. Abdul Qadir Khanzada, Advocate

Respondent: Inayatullah, *through* Mr. Umerdin Panhwar, Advocate

Respondent: The State, *through* Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh,

Date of hearing: 28.7.2025

Date of decision: 28.7.2025

## **ORDER**

**Muhammad Jaffer Raza, J.-** Through the instant Application, learned counsel for the applicants impugn order dated 19.11.2024, passed in Complaint No.85/2024, under Sections 3 and 4 of Illegal Dispossession Act, 2005.

2. Learned Counsel for the applicants has submitted that the complaint has been preferred by respondent No.05 is false and frivolous and has only been filed to harass and intimidate the applicants. He has further argued that the respondent No.05 is not the owner of the subject property in question and earlier the said respondent No.05 filed an application under the same provision of law through his cousin which was subsequently dismissed and the instant complaint deserves the same treatment. He has further argued that there is no entry in favour of the respondent No.05 and the applicants are the owners of the subject property in question. In this regard he has prayed for the instant Revision Application to be allowed and the impugned order to be set aside.

3. Conversely, learned counsel for the respondent No.05 and learned DPG have jointly argued that the instant Revision Application at this stage is not maintainable and the same is liable to be dismissed. They have further argued that the ground raised by the applicants may be raised before the learned trial Court

and the applicants are always at liberty to move relevant application under Section 265-K Cr.P.C.

4. I have all the learned counsels for the respective parties and have perused the record.

5. I am specifically refraining from observing anything in respect to the contentions advanced by the learned counsel for the applicant as the same touch upon the merits of the case. At the instant stage only cognizance has been taken and warrants have been issued against the applicants. It is a settled principle of law, settled by Hon'ble Supreme Court of Pakistan in case of Noor Muhammad<sup>1</sup>, that in such circumstances orders cannot be impugned as the same only affords an opportunity for the proposed accused to answer his case. In such circumstances the instant application is disposed of with the observation that if the applicants file an application under Section 265-K Cr.PC, the same will be heard and decided by the trial Court within thirty (30) days from the date of application and after noting the respective contentions of the learned counsel for the applicants, as noted above.

**JUDGE**

Naveed Ali

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<sup>1</sup> Noor Muhammad v. State (2007 PLD Supreme Court 9)