

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

Criminal Revision Application No.S-63 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

22.05.2017.

Mr. Muhammad Zahid Chohan, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G.
Respondent No.5 present in person.

It is stated by the learned A.P.G. that this Criminal Revision Application is not maintainable in view of the fact that the applicant Muhammad Haroon Khilji has filed Criminal Complaint No.84 of 2012 (Re: Muhammad Haroon Khilji v. Irshad Ahmed Memon and others) under Section 3,6,7 and 8 of Illegal Dispossession Act, which was dismissed by the learned III Additional Sessions Judge Hyderabad vide judgment dated 27.02.2016.

It appears from the record that this Criminal Revision Application has been filed against the acquittal. On the last date of hearing viz. 17.04.2017 learned Counsel for applicant was put on notice to satisfy this Court with regard to maintainability of this Criminal Revision Application.

I have heard the learned counsel for the parties and perused the record.

During course of arguments I have asked the question from the learned counsel for the applicant that how this Criminal Revision Application is maintainable in view of the statutory provisions provided under Section 417 Cr.P.C. He has no answer with him. I have again asked the question from him that a civil suit in respect of the same property is already pending before the learned 5th Senior Civil Judge, Hyderabad in which applicant is party why he is not going to agitate his grievance before that Court. He again no answer with him.

Admittedly, respondents have been acquitted vide judgment dated 27.02.2016 but against that acquittal order instead of filing an appeal the appellant has filed this

Criminal Revision Application, which is not maintainable and the same is dismissed accordingly. However, admittedly the civil suit is pending before the Trial Court and the applicant is at liberty to approach to the Trial Court for redressal of his grievance.

JUDGE

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

Criminal Acquittal Appeal No.S-18 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

22.05.2017.

Mr. Irfan Ali Bughio, Advocate for respondents No.1 to 5.
Mr. Shahid Ahmed Shaikh, A.P.G.

This Criminal Acquittal Appeal is called for hearing. Neither appellant nor his Counsel present. No intimation received. It is now 12:00 noon. Same was the position on the last two dates of hearing viz. 18.05.2017 and 19.05.2017. On 19.05.2017 following order was passed.

“None present on behalf of appellant. No intimation received. It is now 09-40 a.m. Yesterday this matter was fixed when Mr. Ayaz Ali Rajpar, Advocate, held brief on behalf of Mr. Syed Shahzad Ali Shah, Advocate for appellant, and requested for date, therefore, this matter was fixed for today with direction to the appellant to proceed the matter but today none is present. However, as an indulgence and in the interest of justice this matter is again adjourned to 22.05.2017 at 11:00 a.m. with a note of caution that in case on next date of hearing none has appeared on behalf of applicant the matter shall be decided on the basis of available material on record in accordance with law. Office is directed to issue notice of intimation to Mr. Shahzad Ali Shah, Advocate for appellant.”

This Criminal Acquittal Appeal has been filed on 10.02.2014 since then diary sheets show that the appellant is not pursuing this appeal diligently. Intimation notice was issued to the appellant as well as his Counsel for their appearance today but as observed above none is in attendance on their behalf.

Learned Counsel respondents submits that Counsel for appellant has informed him that appellant has lost interest in the matter.

I have also gone through the material available on record with the assistance of learned APG as well as Counsel for the respondents and come to this conclusion that

the impugned judgment dated 23.01.2014 has been passed by the Trial Court after due appreciation of the facts and the evidence produced on record. The finding of the Trial Court is based on evidence and well reasoned, therefore, this appeal merits no consideration which is dismissed.

JUDGE

Ali Haider

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

Criminal Acquittal Appeal No.S-18 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mr. Muhammad Sachal R. Awan, Advocate for

1. Urgency is granted.
2. Learned Counsel for applicant has filed a statement alongwith certified true copy of the charge sheet, which is taken on record. Therefore, in view of the statement filed today, office objection is overruled.
3. Exemption is granted subject to all just exceptions.
4. Notice to the respondents No.2,3 and A.P.G for 08.06.2017. In the meantime, call comments from respondent No.1.

JUDGE

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

Criminal Miscellaneous Application No.S-456 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Syed Tariq Ahmed Shah, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G.

None present for respondent No.1. No intimation received. As an indulgence this time matter is adjourned to 30.06.2017 with a note of caution that in case on next date of hearing nobody has appeared on behalf of respondent No.1 appropriate orders shall be passed.

Learned Counsel for the applicant submits that Criminal Miscellaneous Applications No.453, 454 and 455 of 2016 are also connected with this case, which have not been fixed today therefore, office may be directed to fix all the four Criminal Miscellaneous Applications together on 30.06.2017. Order accordingly.

JUDGE

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

Criminal Miscellaneous Application No.S-07 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mian Taj Muhammad Keerio, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G alongwith SIP Fida Hussain Mallah,
Additional S.H.O P.S Satellite Town, Mirpurkhas.

Additional S.H.O P.S Satellite Town Mirpurkhas is present on behalf of S.H.O and placed on record a statement to the effect that he visited the given address of the respondents but they were not available there. Report is taken on record.

On the last date of hearing, SSP Mirpurkhas was also directed to recover and produce the alleged detainee before this Court but today no reply has been filed on his behalf. Repeat notice to SSP Mirpurkhas with direction to make his hectic efforts for recovery of alleged detenue and her production before this Court with his report. Office is directed to supply copy of this order to learned A.P.G for compliance.

Adjourned to 30.05.2017. To be fixed as per roster.

JUDGE

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

Criminal Revision Application No.S-10 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection
- 2. For orders on M.A 1049/17
- 3. For Katcha Peshi.

22.05.2017.

Mr. Abdul Mueed Shaikh, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G.

At the very outset the learned counsel for applicant submits that he would be satisfied and shall not press this Criminal Revision Application if appropriate directions are given to the Trial Court to decide the case under Crime No. 375/2016 within a period of one month as according to him the car has been allegedly involved in this crime.

The above proposition has not been opposed by the learned A.P.G.

In view of above, this Criminal Revision Application is disposed of alongwith listed application with direction to the Trial Court to decide the case under Crime No. 375/2016 on merits within one month from the date of receipt of this order with further direction to also decide the fate of the car which is subject matter of this case.

JUDGE

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

Criminal Revision ApplicationNo.S-15 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mr. Shahid Ahmed Shaikh, A.P.G.

Mian Taj Muhammad Keerio, Advocate, holding brief on behalf of Mr. Zulfiqar Ali Abbasi, Advocate for applicant, who is said to be unwell today, requests for a date. Request is allowed. Adjourned to a date in office.

JUDGE

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

Criminal Miscellaneous Application No.S-31 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mian Taj Muhammad Keerio, Advocate for applicant.
Mr. Raja H. R Naurang advocate for respondent No.1.
Mr. Shahid Ahmed Shaikh, A.P.G.

Mr. Raja H. R Naurang advocate for respondent No.1 has already filed his vakalatnama on behalf of respondent No.1. He submits that he still has not received copy of the application for which he requests that the same may be supplied to him. Learned Counsel for applicant undertakes to supply the same today.

Adjourned to 26.06.2017. To be fixed as per roster.

JUDGE

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

Criminal transfer application No.S-53 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A 3495/17
2. For orders on office objection
3. For orders on M.A 3496/17
4. For Katcha Peshi.

22.05.2017.

Mr. Poonjo Ruplani, Advocate for applicant.

ABDUL MAALIK GADDI, J:

1. Granted.
2. Overruled.
3. Exemption is granted subject to all just exceptions.
4. Through this criminal transfer application the applicant has prayed that this Honourable Court may be pleased to transfer the Sessions Case No.53/2017 (Re: Roopo and others v. The State) in Crime No.03/2017, under Sections 302, 394, 34 PPC of P.S Kario Ghanwar from the Court of learned IInd Additional Sessions Judge, Badin to Sessions Judge Tando Muhammad Khan or Sessions Judge, Hyderabad on the ground that the learned Sessions Judge Badin in very harsh manner granted bail to accused persons who are notorious criminals and involved in dozen of the cases of robbery and dacoity and they are habitual robbers; that the applicant is very poor person and belongs to the Hindu Community while the respondents No.1 to 4 are issuing threats while visiting the Courts in relation of the evidence; that the learned Sessions Judge Badin after granting the bail, transferred the case to the learned Additional Sessions Judge Badin for trial; that the respondents No.1 to 4 after release

on bail, misused the concession of bail and threatened the complainant and his witnesses and they are interfering in the trial hence their bail is liable to be cancelled.

Learned Counsel for the applicant has been heard. During course of the arguments he has reiterated the same facts and grounds as mentioned in the transfer application.

I have carefully examined the contents of the transfer application and documents annexed thereto. I find that the allegations made in the application are vague and general in nature and such type of allegation cannot be made the ground of transfer. I have gone through the case of Shah Jehan v. Special Judge Anticorruption and others reported as NLR 1993 Criminal 35). In my view, while transferring the matter from one court to another, justice should not only be done but should appear to have been done. In such circumstances the presiding officer should equally be protected from frivolous transfer applications in order to achieve transparent even-handed justice so that one of the litigants should not be in a position to overpower the presiding officer which might ultimately result in titling scales of justice under fear and malignity. It is further held in the aforesaid case that, while exercising jurisdiction to transfer of cases from subordinate Courts, balance has to be struck in order to ensure that the cases were not transferred merely on the basis of suppositions, unfounded and conjectural apprehensions. Besides this case is at initial stage. Both parties are resident of same district. No evidence is on record that on which date and time and before whom the accused have issued threats to applicant.

In view of the above circumstances, I am of the view that vague and unfounded allegations have been leveled against the presiding officer which cannot be made basis of transfer of case. Accordingly, transfer application stands dismissed.

JUDGE

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

Criminal transfer application No.S-55 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on M.A 3609/17
- 2. For orders on office objection
- 3. For orders on M.A 3610/17
- 4. For Katcha Peshi.

22.05.2017.

Mr. Muhammad Sachal R. Awan, Advocate for applicant.

- 1. Urgency is granted.
- 2. Learned Counsel for applicant has filed a statement alongwith certified true copy of the charge sheet, which is taken on record. Therefore, in view of the statement filed today, office objection is overruled.
- 3. Exemption is granted subject to all just exceptions.
- 4. Notice to the respondents No.2,3 and A.P.G for 08.06.2017. In the meantime, call comments from respondent No.1.

JUDGE

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

Criminal Revision Application No.S-08 of 2014
Criminal Revision Application No.S-09 of 2014
Criminal Revision Application No.S-11 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mr. Jagdish R. Mullani, Advocate for applicant.
Mr. Mushtaque Ahmed Arain, Advocate for private respondents.
Mr. Shahid Ahmed Shaikh, A.P.G.

In pursuance of the order dated 09.05.2016, fresh report has already been filed by the Mukhtiarkar (Revenue) Taluka Dour, which is on record.

There is a short controversy involved in this Criminal Revision Application. In order to resolve the controversy, the Mukhtiarkar (Revenue) Taluka Dour is directed to appear in person alongwith all relevant record on the next date of hearing.

Office is directed to provide a copy of this order to the learned A.P.G.

To come up on 28.06.2017. To be fixed as per roster.

JUDGE

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

Criminal Revision Application No.S-90 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mr. Ishrat Ali Lohar advocate for applicant.
Mr. Muhammad Ishaque Khoso, advocate for private respondents.
Mr. Shahid Ahmed Shaikh, A.P.G.

As per direction of this Court, Mukhtiarkar Taluka Badin has already filed his fresh report dated 13.01.2017. Counsel for respondents as well as APG claim copies of the said report. Learned counsel for applicant has supplied the requisite copies to the learned counsel for respondents and A.P.G who request for date to go through the same.

Adjourned to a date in office.

JUDGE

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

Criminal Revision Application No.S-83 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2017.

Mr. Shahid Ahmed Shaikh, A.P.G.

Mr. Muhammad Anwar Sangi, Advocate, holding brief on behalf of Mr. K.B
Lutuf Ali Laghari, Advocate for applicant, who is said to be out of station, requests
for a date. Request is allowed. Adjourned to a date in office.

JUDGE