

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Acquittal Appeal No.24 of 2015

Present. Mr. Justice Nazar Akbar-J.

Appellant No.1 : Muhammad Shafi
through Mr. Muhammad Arif, Advocate.

Versus

Respondent No.1 : Muhammad Rafiq,
Respondent No.2 : Muhammad Hanif Lakhani,
Respondent No.3 : Imran Shaikh, all through
Mr. S. Jawaid Haider Kazmi, Advocate.

Respondent No.4 : The State,
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : **11.03.2019**

Date of Decision : **11.03.2019**

ORDER

NAZAR AKBAR-J. This CrI. Acq. Appeal is directed against the order dated **13.01.2015** passed by the learned Xth Judicial Magistrate, South Karachi in Criminal Case No.1863/2009 arising out of FIR No.366/2009 under Sections 147, 149, 448, 452, 427, 506, 337-A(i) PPC registered at P.S Kharadar, Karachi, whereby learned trial Court had acquitted accused/Respondents No.1 to 3.

2. This Criminal Acquittal Appeal is not maintainable since the appellant has also filed application under **Sections 3 and 4** of the Illegal Dispossession Act, 2005. The learned counsel for the appellant concedes before the Court that the contents of the private complaint under Illegal Dispossession Act and the contents of FIR were identical. He also concedes that consequences of illegal dispossession Act are same which are consequences of offence under **Sections 147 and 448 PPC**. The record shows that the appellant has already lost his case under Illegal Dispossession Act up to the level of Hon'ble Supreme Court, therefore, this Criminal Acquittal Appeal has become infructuous and the same is dismissed as not maintainable.

JUDGE

Ayaz Gul