

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

Cr. Rev. A. No.S- 88 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of main case.

02.03.2020

None present for Applicants.

Mr. Haji Khan Hingorjo, Advocate for private Respondents.

Ms. Rameshan Oad, A.P.G.

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**ABDUL MAALIK GADDI, J.**-In the earlier part of the day, instant matter was called for arguments but none was present on behalf of the Applicants; however, in the best interest of justice it was kept aside to be taken at 11:00 a.m. It is now 11:50 a.m. Again no one is present on behalf of the Applicants. The matter pertains to direct complaint filed by the Applicants under sections 3/4 of Illegal Dispossession Act, 2005, which was dismissed vide impugned judgment dated 28.04.2011. Since it is an old mater; almost 09 years have been passed, therefore, I myself have gone through the entire evidence, impugned judgment as well as case papers with the able assistance of learned counsel for private respondents and the learned A.P.G.

It is noted that in this case impugned judgment has been passed on 28.04.2011 whereas instant criminal revision application was filed on 21.06.2011. From the perusal of case diaries it is also noted that the Applicants are not diligently pursuing this criminal revision application; besides, the learned trial Court while passing the impugned judgment has discussed / attended all aspect of the case involved in this criminal revision application quite comprehensively. The trial Court while dismissing the case and claim of the Applicants has also observed as under:-

“ Another important aspect of this case is that complainant not produced on record the certified copies of the orders passed by Sessions Judge, Tharparkar at Mithi by which the complaint under section 3/4 of Illegal Dispossession Act filed by father of the present complainant No.1 as well as complaint filed by the present complainant and civil suit for permanent injunction, so also they failed to file Memo

of Petition filed by them before the Honourable High Court of Sindh nor they produced the certified copies of such order in his evidence, but learned counsel for the complainant only argued that Sessions Judge, Mithi without assigning any reason dismissed the complaint of complainant. I have minutely gone through the photo-copies of the order passed in Session Case No.37/09, which was complaint u/s 3 of Illegal Dispossession Act, in which the Honourable Sessions Judge, vide order dated 25.02.2010 acquitted all present accused persons under section 265-K Cr.P.C as the counsel for the complainant at that time gave his no objection for acquittal of the accused persons, as that complaint was not filed by the owner of the agricultural land and the same was filed by the father of complainant No.1. I have also minutely examined another complaint No.12/2010 filed by the present complainant and the same was not pressed by their counsel, therefore the same was dismissed as not pressed vide order dated 29.5.2010. I would like to reproduce its para No.5 as under:-

*“On 20.4.2010, at 9.00 am, all the above named insurgents duly armed with lethal weapons criminally trespassed into the land of complainant. At that time accused Dhano had a gun while rest had hatchets and lathies. The accused party reprimanded to complainant and asked them keep quiet on one side while they forcibly possession the “Chounra” and one piece of land of ten acres from the purchased property of the complainant which were witnessed by Taj Muhammad son of Badal and Salar son of Muhammad the villagers, who intervened but the above named accused persons forcibly dispossessed the complainant.”*

On perusal of the impugned judgment I have come to the conclusion that the trial Court while delivering the same has taken into consideration all aspects of the case. Learned A.P.G has also supported the impugned judgment. Therefore, under the aforementioned facts and circumstances of the case, the impugned judgment appears to be perfect on law and facts and does not suffer from any illegality or infirmity, hence require no interference by this Court.

In view of above, the instant criminal revision application is hereby dismissed being devoid of merits alongwith pending application(s), if any.

JUDGE