

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr. Rev. A. No.S- 26 of 2020

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders on office objections.  
For hearing of main case.

26.10.2020.

Mr. Badal Gahoti, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G for the State.

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**Irshad Ali Shah J:-** The facts in brief necessary for disposal of instant Criminal Revision Application are that the applicant allegedly was found to be in possession of unlicensed 9 mm pistol with magazine containing five live bullets of the same bore by the private respondents, for that he was booked and reported upon by the police.

2. At trial, the applicant did not plead guilty to the charge and then was acquitted by learned Additional Sessions Judge, Hala vide his order dated 02.10.2019. By ordering his acquittal notices were also ordered to be issued against the private respondents to show-cause as to why they should not be prosecuted u/s 193 PPC.

3. On receipt of notices u/s 193 PPC the private respondents furnished their replies, those were found satisfactory and consequently, the show-cause notices issued against them were recalled by learned trial Court vide his order dated 20.10.2020 which is impugned by the applicant before this Court by way of instant Cr. Revision Application.

4. It is contended by learned counsel for the applicant that the applicant was involved in a false case therefore, he was rightly acquitted by learned trial Court with issuance of notice against the private respondents for their prosecution u/s 193 PPC, such notices ought not to have been recalled by learned trial Court by way of impugned order, same being illegal is liable to be set-aside.

5. I have considered the above arguments and perused the record.

6. After cognizance the applicant was charged for the above said offence and when the case was at the verge of trial, the applicant was acquitted u/s 265-K Cr.P.C by learned trial Court, on the basis of report of D.S.P Complaint Cell Matiari without providing chance to the private respondents to prove their case against the applicant. Be that as it may, after

recording acquittal of the applicant, the private respondents were served with the notices to show-cause as to why they should not be prosecuted for having committed offence punishable u/s 193 PPC. Surprisingly, such notices too were recalled by learned trial Court by way of impugned order. Be that as it may, the offence punishable u/s 193 PPC is non-cognizable in nature, if the applicant is having a feeling that it has been committed by the private respondents against him then he could prove the same by having a recourse u/s 200 Cr.P.C, if he is able to prove the same in accordance with law then he may also ask for departmental action against the private respondents through their high-ups, which could not be ordered by this Court while examining the legality of impugned order.

7. The instant Criminal Revision Application is disposed of accordingly.

JUDGE