

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Rev. Application No. 44 of 2022.

Date Order with signature of Judge

1. For orders on M.A. No. 2459 of 2022 (U/A)
2. For orders on M.A. No. 2460/2022 (Ex./A)
3. For hearing of main case.
4. For orders on M.A No. 2461/2022 (Stay/A)

25th February 2022

Mr. Muhammad Ayoub Chaniho, advocate for the applicant.

- 1) Urgency granted.
- 2-4) Heard and perused record.

Paragraph No.4 of impugned order is that:

“04. From sifting of facts brought on record by both sides, this Court is of the view that pendency of civil dispute is not denied on the part of complainant, on the other hand, the accused person is also not coming forward for cross examination of complaint. Hence at this stage, the Court does not find itself able to decide any of the application on merits. Both of the above mentioned applications are hereby dismissed. The accused is hereby given last chance to come forward for cross examination of the complainant otherwise his side shall be closed accordingly. Office of this Court is also directed to call verification of subject property from concerned department.

Perusal of above reflects that on one hand applicant (accused) is reluctant to cross-examine the complainant, whereas on the other hand he is seeking acquittal under Section 265-K Cr.P.C; hence, under such circumstances, I find no illegality in the impugned order, whereby the application under Section 265-K Cr.P.C. was dismissed. Accordingly, present criminal Revision application stands dismissed. However, trial Court shall decide the fate of the complaint within six weeks.

J U D G E