

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

Cr. Appeal No.S- 178 of 2007

Appellant Hussain Bux Bhatti : present on bail, through Mr. Waqar Ahmed Laghari Advocate

State : through Ms. Rameshan Oad, A.P.G

Respondent/complainant
Dr. Tasneem Memon : through Mr. Irfan Ahmed Qureshi Advocate

Date of hearing & judgment : 14.02.2022

JUDGMENT

MUHAMMAD SALEEM JESSAR, J.-Through this Criminal Appeal, appellant Hussain Bux has assailed judgment dated 25.08.2007 handed down by learned IInd Additional Sessions Judge, Hyderabad, in Sessions Case No.381 of 2006 (re: Dr. Tasneem Memon V Hussain Bux) being outcome of Direct Complaint filed by the complainant, whereby appellant has been convicted for offence punishable under Section 3(2) of Illegal Dispossession Act, 2005 and sentenced to suffer R.I. for five years with fine of Rs.10,000/-, in case of default whereof he has to suffer S.I for three months more. An amount of Rs.25,000/- was also directed to be paid by the appellant to the complainant as compensation u/s 544-A Cr.P.C. Further, the disputed property was ordered to be restored in favour of the complainant.

2. At the very outset, learned counsel for the appellant submits that in compliance of the impugned judgment the possession of disputed property was restored to respondent / complainant, therefore, impugned judgment has been acted upon partly. He next submits that appellant will not press this appeal on merit if the period which he has already undergone may be considered and appeal may be disposed of. Learned counsel for respondent/complainant as well as learned A.P.G appearing for the State have very candidly extended their no

objection. Learned counsel for respondent/complainant further admits that possession of the disputed property has been restored to her.

3. In the given circumstances I am inclined to take a lenient view in the matter. Accordingly, the sentence awarded to the appellant including the period he was to undergo in lieu of fine as well as compensation in terms of section 544-A Cr.P.C, is reduced to the period of his detention in jail he has already undergone. However, the impugned judgment dated 25.08.2007 handed down by learned IInd Additional Sessions Judge, Hyderabad, in Sessions Case No.381 of 2006 to the extent of handing over possession of the disputed property to respondent/complainant is maintained.

5. With the above modification in the sentence of appellant as well as upholding the impugned judgment to the extent of handing over possession of disputed property to complainant, the appeal is dismissed as not pressed. The appellant is present on bail, therefore, bail bonds executed by him are cancelled and the surety furnished on his behalf is hereby discharged.

JUDGE

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