

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

C.P. No.D-392 of 2006

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:

Mr. Justice Muhammad Shafi Siddiqui.
Mr. Justice Irshad Ali Shah.

18.05.2022

Mr. Noor-ul-Amin Sipio, Advocate for the petitioner.
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.

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The petitioner apprehending his dispossession from the shop in his possession at the hands of private respondents, sought for its protection by making an application u/s: 145(6) Cr.P.C. It was dismissed by learned Civil Judge & Judicial Magistrate-II Sanghar vide order dated 29.09.2005, it was impugned by the petitioner by filing a criminal revision application, it was also dismissed by learned Additional Sessions Judge Sanghar vide order dated 15.08.2006, which is impugned by the petitioner before this Court by preferring the instant petition.

It is contended by learned counsel for the petitioner that the learned Courts below have passed the impugned orders in slipshod manner, without considering the mandate contained by section 145(6) Cr.P.C, therefore, such orders being illegal are liable to be set-aside with direction to learned Trial Magistrate to proceed with subject application of the petitioner afresh and in accordance with law.

None has appeared to advance arguments on behalf of private respondents. However, learned Assistant Advocate general, Sindh by supporting the impugned orders has sought for dismissal of the instant petition.

Heard arguments and perused the record.

Admittedly the petitioner and private respondents have been litigating with each other over the subject shop. If the petitioner was carrying a feeling that he

