

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Acq. Appeal No. 357 of 2019

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Date Order with signature of Judge

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1. For hearing of M.A. No. 6781 of 2021 (U/A).
2. For orders on M.A. No. 6782/2021 (Appln. For leave to appeal).
3. For orders on office objection & reply of advocate at flag A.
4. For orders on M.A. No. 6783 of 2021 (Ex/A).
5. For hearing of main case.

**25<sup>th</sup> June 2021.**

Mr. Ahmed Nawaz, advocate for appellant.

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Heard learned counsel for the appellant.

Order dated 16.10.2028 passed in 78/2015, Crl. Misc. Application No. 183/2015 and Crl. Misc. Application No. 204 of 2015 speaks that respondents No. 2 and 3 were present and they sought time of one month to handover the possession. Accordingly, one month's time was granted. Counsel for the applicant contends that by such order he received possession and they are enjoying piece of possession, however, by impugned judgment respondents No. 2 and 3 have been acquitted by the trial Court. Paragraph No. 28 of the impugned judgment being relevant is reproduced herewith:-

"28. Be that as it may, as per para-05 of the complaint, the complainant was residing in the house in question alongwith his family and accused persons were alleged to have kicked the complainant alongwith family. It means on the day of alleged incident, family members were also residing in the house and they were also kicked out. For a moment if it is believed that the family members of the complainant were also kicked out by the accused persons then question arose as to why complainant did not mention in memo of complaint about the numbers of the family members? Admittedly none from the family members of the complainant had been cited as witness either in this case or in Criminal Case. This fact also made the case much doubtful."

Admittedly, applicant is in possession and that is consent order and impugned judgment is not reflecting that possession is to be returned back to the respondents, hence, acquittal in view of para-28 is in accordance with law. Acquittal appeal is dismissed.

JUDGE

SAJID