

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-824 of 2022

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

25.05.2023

Mr. SullemanDahri, Advocate for the applicant.

Ms. RameshanOad, Assistant Prosecutor General, Sindh.

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Through this Criminal Miscellaneous Application learned counsel for applicant / complainant impugned the order dated 11.11.2022 wherein the learned Trial Court dismissed the Criminal Miscellaneous Application No.1300 of 2022.

Per learned counsel it is right of the applicant that at-least her statement is to be recorded before the S.H.O of concerned police station and if cognizable offence is made out then the same shall be incorporated. When it is confronted with the learned counsel that in the alleged contentions 19 she-goats, one iron box 10 beds, 40 mound wheat, 3 mound cotton and other household articles were occupied by the proposed accused for which he has no proof regarding such claim.

On the other hand learned APG has supported the impugned order.

Heard learned counsel for the respective parties and perused the record.

Admittedly, the contentions raised in para No.4 of the instant application that the proposed accused has confined the articles, buffalo wheat, cotton and others learned counsel for the applicant failed to produce any documentary evidence. Further after filing the application the report was called wherein S.H.O has submitted that applicant was wife of one late Aleemuddin and there is dispute over the property. While passing the impugned order, the learned Judge has also observed that there is dispute over inheritance of property left by deceased Aleemuddin and as such the dispute between the parties appears to be civil nature but applicant intending to convert civil litigation into criminal. No illegality or irregularity has been committed by the learned Trial Court, as such, impugned order is maintained and instant Criminal Miscellaneous Application is dismissed.

JUDGE

Muhammad Danish