

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Revision Application No. S- 20 of 2023

(Sahib Dino Chachar Vs. Rahib & others)

For hearing of main case.

ORDER.**29-01-2024.**

Mr. Achar Khan Gabole, advocate for the applicant.

Mr. Irshad Ahmed Soomro, advocate for the private respondents.

Mr. Zulfiqar Ali Jatoi, Additional P.G for the State.

The applicant by preferring the instant Crl. Revision Application has impugned the order dated 25-02-2023 passed by learned Ist Additional Sessions Judge, Mirpur Mathelo, whereby his complaint for prosecution of the private respondents for allegedly committing the offence punishable u/s 3/4 of Illegal Dispossession Act, 2005 has been dismissed.

It is contended by the applicant that learned trial Court has passed the impugned order in slip short manner without considering the reports of SHO and Mukhtiarkar concerned; therefore, such order being illegal is liable to be set aside by this Court with direction to learned trial Court to take cognizance of the offence and to proceed further with the case in accordance with law.

Learned Additional P.G for the State did not support the impugned order. However, learned counsel for the private respondents by supporting the impugned order has sought for dismissal of instant Crl. Revision Application by contending that the subject property was jointly purchased by the applicant and private respondents.

Heard arguments and perused the record.

Apparently on inquiry, one has to make out a case for trial and burden to do same is light; same could not be equated with trial wherein one has to prove his case beyond shadow of doubt. In the instant matter, the applicant is recoded owner of the subject property and allegation of his dispossession from wheeof takes support from the reports of SHO and Mukhtiarkar concerned. In such situation dismissal of his complaint on the basis of affidavit of his father at very preliminary stage denying his assertion was not justified.; consequently, the impugned order is set aside with direction to learned trial Court to make further

inquiry and to pass the same afresh by providing a fair chance of hearing to all the concerned.

Instant Crl. Revision Application is disposed of accordingly.

J U D G E

Nasim/P.A