

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Rev. Appln. No.S-127 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on MA-8747/2023.
2. For hearing of main case.

08.09.2023.

Applicant Gul Muhammad is present in person.

ORDER

ARSHAD HUSSAIN KHAN, J.- Through this revision application, the applicant named above has called in question the order dated 01.08.2023 passed by learned Special Judge, Anti-Corruption (Provincial) Hyderabad, whereby the Direct Complaint No.145 of 2021 filed by the present applicant was dismissed.

2. It is vehemently contended by the applicant / complainant that they were in possession and cultivation of agricultural land admeasuring 450-00 acres since their forefathers situated in Deh Sando, Deh Moradi and Deh Chakra, Tapo Dasti, Taluka Matli, District Badin and such record of rights is in the names of their ancestors. It is further contended that the official respondents / accused in collusion with private respondents / accused have misplaced the record of their lands and later on by manipulating and managing the record transferred the lands in the name of accused Asghar Ali and his other relatives malafidely and with ulterior motives. It is further contended that the trial Judge has not appreciated the record in their name and has passed the impugned order in a slipshod manner and without applying its judicial mind; hence, he prays that cognizance of offence may be taken against respondents/accused for committing the offence under Sections 409, 420, 218, 465, 468, 471, 147, 148, 149 PPC r/w Section 5(2) of Prevention of Corruption Act-II of 1947

3. I have heard the applicant in person and have gone through the memo of this revision application and perused the impugned order as well as material available on record.

4. Perusal of record it reflects that initially a Direct Complaint was filed by the applicant / complainant before the learned Special Judge, Anti-Corruption (Provincial) Hyderabad, which after hearing the parties as well as calling Report from the Assistant Commissioner, Matli was dismissed on the following pretext.

“3.....The report submitted by the Assistant Commissioner, Matli revealed that the subject lands are transferred by different ‘Khatedars’ from time to time in name of private proposed accused or their fathers through registered sale deeds. These registered sale deeds are almost (30) years old documents and having presumption of correctness as per Qanun-e-Shahadat, 1984. Besides this, matter is of civil nature and requires evidence as to who actually committed any fraud (if any) or when such fraud was committed. This could only emerged after recording proper evidence by the Civil Court after framing proper issues. The complainant has leveled allegations upon the official proposed accused No.1 and 2 who may be in service or not when the alleged transaction or registered sale deeds executed which started from year 1956, therefore, this complaint is not maintainable at this stage, hence the same is accordingly dismissed. The complainant may approach the competent Civil Court in accordance with law. He would be at liberty to file complaint before this court if the competent Civil Court determined that the subject lands has been fraudulently transferred by the proposed accused. The complainant may have also option to approach the Anti-Corruption Establishment directly”.

5. Perusal of direct complaint filed by the applicant / complainant and the reasons urged by the trial Court for dismissal of direct complaint shows that apparently applicant had no case to file the direct complaint involving the official as well as private respondents on the pretext that they had committed fraud and forgery by misplacing and manipulating the record of their rights in respect of their lands. No convincing evidence is available on record

to show that respondents have committed any fraud with the applicant. Considering these aspects of the case, I have come to the conclusion that the trial Court has rightly passed the impugned order in favour of the respondents / accused containing valid reasoning for dismissal of direct complaint filed by the applicant / complainant by directing him to pursue appropriate remedy before the competent forum in accordance with law; hence, the impugned order dated 01.08.2023 does not require any interference by this Court. Consequently, this revision application being meritless is also dismissed in limine.

JUDGE

Shahid