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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Criminal Revision No.S-16 of 2017.

Date of hearing	Order with signature of Judge
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1. For orders on office objection at flag A.

2. For haring of case.

Statement filed by Resp.1 to 4.

Notice issued to respondents No.1 to 4.

28.08.2017.

Mr. Abdul Rehman Bhutto, Advocate for the applicant.

Mr. Khadim Hussain Khooharo Addl.P.G alongwith Respondents
No.1 to 4.

Muhammad Junaid Ghaffar J:- Through this Criminal Revision application, the applicant has impugned order dated 01.3.2017 passed by the learned Special Judge Anti-Corruption (Provincial) Larkana, whereby a Direct Complaint under Section 200 Cr.PC filed by the applicant has been dismissed.

2. Learned counsel for the applicant submits that the respondents on 25.1.2017 at about 4:00 AM forcibly entered into the house of the applicant and committed dacoity by overpowering the applicant and robbed cash amount of Rs.20,000/-, two Tola of gold, five dresses of Ladies and one Iron and two touch screen Mobile Phones and also arrested husband of the applicant who was thereafter released upon payment of illegal gratification of Rs.40,000/-, On 27.1.2017. Thereafter a Direct Complaint was made in respect of the illegal gratification taken by the respondents however, the learned Judge has not appreciated the given facts. He further submits that statements of complainant and her husband were also recorded and instead of proceeding further the complaint has been dismissed.

3. On the other hand learned Additional Prosecutor General has opposed this Criminal Revision application and submits that there are general allegations against the respondents whereas; no witness from the locality regarding the alleged incident of dacoity and abduction has been examined and further proceedings would be nothing but abuse of the process of court.

4. I have heard learned counsel for the applicant and learned APG and also perused the record.

5. At the very outset learned counsel for the applicant was confronted that as to whether any report or complaint was made regarding the alleged incident of dacoity before the police authorities, or for that matter, before the Justice of Peace for registration of the F.I.R. However, the learned counsel candidly conceded that no such effort was made. He was further confronted that as to why, even otherwise, the complaint under section 200 Cr.PC was filed much belatedly after the alleged incident, (on 14.2.2017) the learned counsel could not satisfactorily respond. It is very strange that in so far as the alleged dacoity is concerned no complaint was made nor any effort was made to get any F.I.R. registered; however for alleged illegal gratification a Direct Complaint was filed. It does not appeal to a prudent mind that as to why no report was lodged in respect of the main incident and only a Direct Complaint was made regarding payment of alleged illegal gratification for release of the abductee / detenu. It appears that learned trial court has considered the contention of applicant as well as the material placed before it and has come to the conclusion which does not require any interference. The learned trial court has observed as follows:-

"I have considered the arguments of learned counsel for the complainant and perused the material available on record. from the perusal of material it appears that according to the complainant on 25.01.2017 respondents above named entered into her house and took away amount of Rs.2000/-, Two Tolla Gold, One Iron, Two Touch screen mobile sets, forcibly arrested husband of complainant and detained at various private places. She further mentioned in the direct complaint that her father-in-law had approached the police and she had moved an application to the DIG. In her statement she stated that she herself approached the police and paid amount to the accused. Record shows that the allegations against respondents are general in nature and complainant has not specifically stated to whom complainant paid bribe nor specific place or time is mentioned in the complaint. Record further shows that not a single person of the Mohalla is examined in support of her contention during the preliminary enquiry which creates some doubt therefore, in the light of above circumstances no prima-facie case is made out against the respondents hence the instant complaint is dismissed u/s 203 Cr.P.C".

6. Notwithstanding the aforesaid observations on merits of the case, even otherwise in view of the dicta laid down in the case of *Abdul Hafeez v. District Co-ordination Officer at Mirpur Mathelo* (2017 PCr.L.J-1067) a learned Division Bench of this Court has been pleased to hold, that in matters under the Prevention of Corrupt Act, 1947, the Court cannot entertain a direct

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complaint under Section 200 Cr.P.C. as the special law read with Sindh Enquiries and Anti-Corruption Rules 1933 (Rule-11) provides for a particular mechanism and without following the same no directions can be issued for taking cognizance in such matters.

7. In view of hereinabove above facts and circumstances of the case instant I am of the view that no case of indulgence is made out on behalf of the applicant as a reasoned order has been passed by the Court below, hence instant Criminal Revision Application being misconceived is hereby dismissed.


JUDGE
28.8.17

s.ashfaq