

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Revision Application No.S-04 of 2025

Date of hearing	Order with signature of Judge
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1. For orders on office objection "A".
2. For orders on MA No.818/2025 (E/A).
3. For hearing of main case.

03.03.2025.

Mr. Farooque Ahmed Gaad, Advocate for the Applicant.

Mr. Nazir Ahmed Bhangwar, D.P.G for the State

Khalid Hussain Shahani, J.- The present Criminal Revision Application challenges the legality and validity of the order dated 25.01.2025, whereby Direct Complaint No.08/2025, filed by the applicant, was dismissed by the learned Special Judge, Anti-Corruption (Provincial), Larkana, in terms of Section 203 of the Code of Criminal Procedure, 1898.

2. The crux of the case revolves around the applicant's inherited property, comprising S.No.1123 (1-22), S.No.323 (2-00), and S.No.1178 (1-20) acres, situated in Deh and Tapa Derra, Taluka Naseerabad. The revenue records reflect that the ownership of the said property was originally mutated in the name of the applicant's father, Trooh Khan, vide Entry No.46, which was a rewriting of Entry No.27 in the official land records. However, it is alleged that private Respondents No.03 to 06, in collusion with official Respondents, manipulated the revenue records through fraudulent means in the year 2015 in exchange for illegal gratification. The applicant, upon becoming aware of the forgery, approached accused No.01 & 02 for rectification of the illegal alterations, but his grievances were not addressed.

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3. Learned Counsel for the applicant contends that the applicant, in his statement recorded under Section 200 Cr.P.C., provided complete support to the allegations set forth in the complaint. Moreover, the witnesses examined during the preliminary inquiry also corroborated the applicant's version, thereby establishing a prima facie case for cognizance. However, the learned trial Court dismissed the direct complaint without assigning any cogent legal reasoning, regarding the threshold for dismissal at the preliminary stage. Learned Counsel further submits that the applicant has also instituted a civil suit challenging the fraudulent entries in the revenue record pertaining to his ancestral property, which remains pending adjudication before the competent civil forum. However, he concedes that the applicant has yet to approach the relevant Revenue authorities for rectification of the alleged false and fabricated entries. In support of his contention, learned Counsel has placed reliance on the authoritative judgments rendered by the Hon'ble Supreme Court of Pakistan in Rafiq Bibi v. Muhammad Sharif and others (2006 SCMR 512) and Akhlaque Hussain Kiyani v. Zafar Iqbal Kiyani (2010 SCMR 835), wherein the Apex Court has reaffirmed that both civil and criminal proceedings may run concurrently, particularly in cases involving fraudulent actions affecting proprietary rights.

4. A perusal of the record reveals that upon examination of the complainant, the complaint was forwarded to the Circle Officer, Anti-Corruption Establishment (ACE), Kamber Shahdaskot, for a preliminary inquiry. The said inquiry was duly conducted, and a report was submitted accordingly. During the inquiry, the Inquiry Officer recorded the statement of witness Ameer, the son of the complainant, as well as the respondents. The inquiry further revealed that the disputed entries were presented before the Inquiry Officer during the investigation. Additionally, it is pertinent to note that the applicant had earlier filed a Direct Complaint No.16/2023 under the Illegal Dispossession Act, which

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was dismissed by the learned Additional Sessions Judge-II, Kamber. Furthermore, a First-Class Suit No.4/2023, challenging the same dispute, remains pending before the learned Senior Civil Judge, Warrah.

5. Taking these circumstances into account, the learned Special Judge, Anti-Corruption (Provincial), Larkana, declined to assume cognizance over the complaint, asserting that the dispute pertaining to private land and mutation entries falls within the exclusive domain of the Revenue hierarchy and does not fall within the jurisdiction of the Anti-Corruption authorities. The learned trial court, in its assessment of the material facts, appears to have exercised sound judicial reasoning. Hence, I am of the considered view that the trial court was justified in dismissing the complaint by relying on the precedent set in the case of Fayyaz Ahmed v. Adeel Ashfaq & Others (SBLR 2007 Sindh 1655), wherein it was reiterated that the investigative jurisdiction of the Anti-Corruption Police extends strictly to cases involving Government-owned land and does not encompass private disputes over land ownership or mutation.

6. Upon a careful examination of the cited judicial precedents, it is evident that the Hon'ble Supreme Court of Pakistan has unequivocally held that there exists no legal bar on initiating both civil and criminal proceedings concurrently. Furthermore, it has been established that in instances where criminal liability is contingent upon the outcome of civil litigation—particularly in cases involving disputes over property title—the criminal proceedings should remain in abeyance until the resolution of the civil matter. While this legal principle is well-founded and applicable in appropriate cases, the present matter stands on a different footing. In the case at hand, the applicant has approached the wrong forum by filing the complaint before the trial court, despite the fact that the dispute fundamentally pertains to property title and alleged irregularities in the revenue record, which should have been adjudicated before the competent revenue and civil courts. The distinction in facts

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and circumstances of this case, therefore, renders the cited legal principle inapplicable in its entirety.

7. In view of the foregoing discussion, it is evident that the impugned order passed by the learned trial Court does not suffer from any jurisdictional error, legal infirmity, or procedural irregularity warranting interference by this Court in its Revisional Jurisdiction. The learned trial Court has exercised its discretion in accordance with the settled legal principles governing the adjudication of disputes related to land mutation and jurisdictional competence. Consequently, this Criminal Revision Application, being devoid of legal merit, stands dismissed in limine, along with the listed application(s). However, it is observed that the applicant retains the right to pursue an appropriate remedy before the competent forum in accordance with the law, should he deem it necessary to seek further legal recourse.


JUDGE

Asghar Altaf/P.A