

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Misc. Application No.S-273 of 2024

"Khadim Hussain vs. Lateef Ahmed and others"

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For hearing of M.A.No.12744/ 2023.
3. For hearing of main case.

19-03-2025.

None present for the appellant.

Mr. Abdul Hameed Bajwa advocate for the respondent No.1.

Mr. Muhammad Sharif Solangi, Assistant A.G.

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As per endorsement of S.H.O P.S Nabisar Road, notice has been personally served upon applicant Khadim Hussain for the last date of hearing and applicant was appeared and sought time to bring his counsel for today. In spite of time granted to the applicant, the applicant and his counsel are called absent.

Learned D.P.G draw my attention towards the impugned order dated 14-04-2022 passed by learned J.M-II, Kunri wherein parties have patched up and applicant appeared before learned Judicial Magistrate-II, Kunri and conceded that he has handed over possession to the respondent.

Thereafter, the said order was challenged before the Sessions Court Umerkot and learned Additional Sessions Judge-I, Umerkot through impugned order dated 03-12-2022 has maintained initial order passed by learned Judicial Magistrate. Being aggrieved with the same, applicant has challenged the concurrent orders of the courts below on the flimsy grounds when he has voluntarily appeared before learned Judicial Magistrate/ trial court and conceded that he has handed over possession which obviously means that he was holding possession of the land for which the respondent No.1 had instituted proceedings under section 145 Cr.P.C. The orders passed by courts below are judicial orders having presumption of truth attached as per Article 91 of Qanoon-e-Shahadat Order, 1984 and does not warrant any interference; hence instant Criminal Miscellaneous application alongwith listed application is dismissed with cost of Rs.2000/= to be paid by the applicant in the Dispensary of District Court Mirpurkhas within 07 days hereof.

JUDGE

Saleem