

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
MIRPURKHAS**

Criminal Acquittal Appeal No.S-27 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
<ol style="list-style-type: none"> 1. For orders on office objection. 2. For orders on M.A No.10951/2021. 3. For orders on M.A No.10952/2021 4. For hearing of main case. 5. For orders on M.A No.10953/2021. <p><u>30.09.2025</u></p> <p style="padding-left: 40px;">None is present. No intimation has been received.</p> <p style="text-align: center;">=</p> <p><u>Amjad Ali Sahito, J-</u> Through this Criminal Acquittal Appeal, the appellant/complainant, namely Muhammad Essa, has challenged the judgment dated 08.09.2021, passed by the learned Additional Sessions Judge-I, Tharparkar at Mithi in Sessions Case No.25/2020 (Re: Muhammad Essa v. Muhammad Essa Khan and others), under Section 3/4 of the Illegal Dispossession Act, 2005, whereby respondent No.1, namely Muhammad Essa Khan, was acquitted under Section 265-H(i), Cr.P.C. The appellant/complainant has impugned the said judgment before this Court by filing the instant Criminal Acquittal Appeal against the above-named respondent.</p> <p>2. None present on behalf of the appellant. No intimation has been received, same was position on last date of hearing viz; 19.12.2022. The instant Criminal Acquittal Appeal was presented on 07.10.2021 and same is pending for last 04 years without any progress. However, I have perused the impugned judgment whereby after full-fledged trial, the respondent/accused was acquitted by the learned trial Court on the ground that on same subject matter the civil litigation is pending before the learned civil Court.</p> <p>3. From the perusal of record, it is established that the dispute between the parties is of a civil nature, as civil litigation on the same subject matter is already pending before the</p>	

competent Civil Court. The complainant has not produced any independent witness from the adjoining shops nor any cogent documentary proof regarding the appointment of the alleged “Nagheban.” It also appears that the complainant himself was not dispossessed, and the alleged “Nagheban,” who claimed to have been dispossessed, is not the complainant in this case. Furthermore, no complaint was ever filed by him before any competent forum. In these circumstances, the provisions of the Illegal Dispossession Act, 2005, are not attracted, and the appellant/complainant has failed to establish his case against the respondent/accused beyond reasonable doubt. I have found no illegality or irregularity in the impugned order. Consequently, instant Criminal Acquittal Appeal is **dismissed** in *limini* along with listed application.

JUDGE

Adnan Ashraf Nizamani