

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Revision Application No.S-19 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For order on office objection (s)
	2. For order on M.A No.2815/2025
	3. For hearing of main case
<u>27.10.2025</u>	

None has been present on behalf of the applicant on the last date. Today, once again no intimation is received. The applicant/complainant is aggrieved by the impugned Order dated 07.02.2025, passed by the II-Additional Sessions Judge, Badin in Criminal Complaint No.Nil/2022. It is common ground between the parties as per Paragraph-1 of the Grounds of the Criminal Revision that the applicant is/was a co-owner of the subject property. It is trite proposition that one co-owner cannot allege dispossession by another unless exclusive possession is established through partition proceedings as all co-owners have constructive possession of the entire property until partition occurs (2025 SCMR 787). It is also pertinent to mention here that as per Paragraph-4 of the Grounds of the Revision that the applicant had registered FIR No.37/2020 on 18.4.2020, in respect of his alleged dispossession on 17.4.2020, when the respondent had allegedly after dispossession of the applicant handed over possession back to the applicant but after compromise, once again allegedly dispossessed the applicant/complainant. Further as per memo of Criminal Complaint filed before the Sessions Court, Paragraph-3, the applicant had also indicated that he has filed an application under Section 133 Cr.P.C before the 2nd Civil Judge/J.M Badin too. Therefore the impugned order passed in 2020, has to be understood in this background of the applicant/complainant's multiple actions filed in the year, 2020, concerning (i) this Criminal Complaint under Illegal Dispossession Act, arising out of an incident in 2020, (ii) FIR No.37/2020 for the same event and (iii) one application under Section 133 Cr.P.C., once again, for the same event. All these three (3) separate actions

arising on the same date i.e 17.4.2020 cannot be agitated simultaneously and do not inspire confidence. No doubt the II-Additional Sessions Judge, Badin concluded that no question of dispossession arises from the perspective of the complainant. A perusal of the impugned order dated 07.02.2025 records too, that as per the report submitted by the Mukhtiarkar possession of the subject property is and has been under possession of the proposed accused for some time (as of 2020). More than five years have now passed.

Given the above reasons, I find no defect in the impugned order dated 07.02.2025, concerning an alleged incident of more than five (05) years ago that would suggest that the conclusion arrived by the II-Additional Sessions Judge, Badin is/was erroneous and/or requires any intervention. Therefore, in the circumstances, the Criminal Revision Application is accordingly **dismissed**.

JUDGE