

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**Cr. Revision Application No.S-14 of 2026.***Rehmatullah and others VS Mst. Rukiya and others.*

Applicants: Rehmatullah and others **through** Mr. Karim Bux Rind, Advocate.

Respondent No.1: Mst. Rukiya present in-person.

Respondent No.2to4: Through Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General for the State alongwith SIP Karim Bux Lakho from PS Qazi Ahmed.

Date of hearing: 25.02.2026.

Date of decision: 25.02.2026.

ORDER

RIAZAT ALI SAHAR, J.- Through the instant Criminal Revision Application, the applicants have assailed the legality and propriety of the judgment dated 03.01.2026, passed by the learned Additional Sessions Judge-II, Shaheed Benazirabad, in Sessions Case No.780 of 2023, arising out of I.D. Complaint No.115 of 2023, instituted by Respondent No.1, Mst. Rukiya.

2. Briefly the facts are that the Respondent No.1 (Mst. Rukiya) filed a complaint under Section 5 of the Illegal Dispossession Act, 2005, alleging that she is the widow of Wali Muhammad Mahar, who during his lifetime owned agricultural land measuring 10-02 acres, comprising Survey Nos.169 and 190, situated in Deh Jado Juno, Taluka Sakrand (formerly Taluka Kazi Ahmed), District Shaheed Benazirabad, which stood duly recorded in his name in the revenue record. After his demise, the complainant and her children succeeded to the said property as legal heirs through inheritance.

3. It was further alleged that on 28.03.2023 at about 05:00 p.m., while the complainant and her son Abdul Manan Mahar were present on the said land, the accused persons, along with four unidentified individuals, forcibly entered the property, dispossessed them at gunpoint, and unlawfully took possession of the land along with approximately 700 maunds of wheat straw lying thereon. According to the complainant, despite approaching local

notables, police officials, and revenue authorities for redressal of her grievance, no effective action was taken, compelling her to institute the complaint under the Illegal Dispossession Act, 2005.

4. After usual proceedings, cognizance was taken against the applicants vide order dated 25.07.2023, and bailable warrants in the sum of Rs.50,000/- each were issued. Subsequently, the complaint was converted into a Sessions Case, and trial commenced. During the course of evidence, the complainant examined herself and produced witnesses Abdul Manan Mahar and Abdul Hanan Mahar, while Shoukat Ali, Mukhtiarkar (Revenue) was examined as a Court witness. After closure of prosecution evidence, the statements of the applicants were recorded under Section 342, Cr.P.C., wherein they denied the allegations and professed innocence. However, they neither examined themselves on oath nor produced any witness in their defence.

5. Upon conclusion of the trial, the learned trial Court **acquitted** the applicants under Section 265-H(i), Cr.P.C., but simultaneously directed that possession of the agricultural land in question measuring 10-02 acres, comprising Survey Nos.169 and 190, Deh Jado Juno, be restored to the complainant Mst. Rukiya, widow of deceased Wali Muhammad.

6. Learned counsel for the applicants, Respondent No.1 appearing in person, and the learned Assistant Prosecutor General are heard, and the record has been carefully examined.

7. The Illegal Dispossession Act, 2005 was enacted to protect lawful owners and occupiers of immovable property from forcible or unlawful dispossession by land grabbers. The statute criminalizes unauthorized entry or occupation of property and provides punishment in the form of imprisonment and fine, along with restoration of possession to the lawful owner or occupier where the accused are found guilty. Conversely, where the accused are acquitted of the charge, the direction for restoration of possession cannot ordinarily be sustained as it would be inconsistent with the scheme and object of the law.

8. In the present case, the learned trial Court, while acquitting the applicants of the charge, simultaneously directed restoration of possession of the property to the complainant. Such a course appears to be legally taken into notice, as the finding of acquittal negates the allegation of illegal dispossession forming the basis of the complaint and on the other hand the learned Judge directed the accused to vacate the possession of subject property and handover the same to the complainant.

9. In view of the above, the instant Criminal Revision Application is **disposed of**. The impugned judgment dated 03.01.2026 passed by the learned Additional Sessions Judge-II, Shaheed Benazirabad is hereby **set aside**, and the matter is **remanded** to the learned trial Court for passing a fresh judgment strictly in accordance with law, after providing due opportunity of hearing to the parties.

10. The learned Sessions Judge, Shaheed Benazirabad, is directed to transfer the case, on administrative grounds, to another Court of Additional Sessions Judge for deciding the matter afresh in accordance with law.

11. It is clarified that the learned trial Court shall decide the matter independently on its own merits, strictly in accordance with law, and without being influenced by any observation made in this order.

JUDGE