

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Revision Application No.312 of 2025**

Applicant : Muhammad Kazim Khan  
son of Abdul Qayyum Khan  
Through Mr. Zahoor Ahmed,  
Advocate

Respondent-1 : Nawab Aneel  
son of Salahuddin  
Through Mr. Mohsin Ali Khan,  
Advocate.

The State : through, M/s. Sharafuddin Kanhar  
& Ms. Najma Latif Golo, A.P.G.

Date of hearing : 23.04.2026.

Date of Order : 23.04.2026.

### ORDER

**Jan Ali Junejo, J:--** Through this Criminal Revision Application under Sections 435 & 439 Cr.P.C., the applicant, Muhammad Kazim son of Abdul Qayyum Khan, seeks the setting aside of the order dated 24.11.2025 (hereinafter referred to as the "Impugned Order") passed by the learned Additional District & Sessions Judge-IV, Karachi (East), in Illegal Dispossession Complaint No. 108 of 2024 (Re: Nawab Aneel vs. Ch. Maqsood & others), whereby the learned Judge dismissed the application under Section 265-K Cr.P.C. filed by the applicant.

2. The genesis of this matter emanates from a complaint filed by Respondent No.1/Complainant Nawab Aneel under Sections 3 & 4 of the Illegal Dispossession Act, 2005, wherein he alleged that he is the lawful owner of Plot No. LCS, Row No. 2, Street-6, Block-5, KDA Scheme-24, Karachi, on the basis of a registered Lease Deed No. 2230 of Book No. 01 dated 06.05.2015. It is further stated that he constructed flats on the first and second floors of the said plot for his personal residence. Thereafter, his uncle received threats and extortion letters, and upon his refusal, in the year 2007, the culprits attacked and committed the murder of Asif, son of Qutbuddin. Due to this situation, he and his family left Pakistan and shifted to the

UAE. On 18.03.2019, he returned to Pakistan to visit his relatives and also visited the said property along with Atif Ali Khan and Muhammad Jahangir, where he was shocked to observe that the accused persons, namely Ch. Maqsood Ahmed, Mst. Yousuf-un-Nisa w/o Hussain Mohiuddin Azhar, and Syed Fawad Hussain Naqvi, were occupying Flats No. A-1, A-2, and A-3 on the first floor, while accused Anees was occupying Flat No. A-4 on the first floor; Flats No. B-1, B-2, and B-3 on the second floor were occupied by unknown accused persons; Flat No. B-4 on the second floor was occupied by Faizan Ahmed; Flat No. G-1 (third floor) was occupied by accused Humayon; Flat No. G-2 (third floor) was occupied by Rafay; and Flat No. G-3 (third floor) was also occupied by Zamin.

3. During the trial proceedings, the learned Additional Sessions Judge, after calling for reports from the concerned Station House Officer and conducting necessary inquiries, formed a prima facie opinion that a case against the accused persons was made out and accordingly took cognizance to facilitate a fair and just conclusion.

4. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case through a fabricated story. He further submitted that on 04.11.2024, a statement along with the affidavit of Muhammad Abid Siddiqui was filed, wherein it was stated that property/Flat No. B-4, Suhanam Centre, Block-5, Gulshan-e-Iqbal, is owned by Faizan Ahmed Khan Suri, and that Muhammad Adil Siddiqui is occupying the said property on the basis of a tenancy agreement executed by Faizan Ahmed Khan on 21.10.2019, copies whereof were attached. It was further contended that the said property was never in the possession of the applicant and that rent transactions were also placed on record. Learned counsel further argued that the complainant, during cross-examination, gave answers which exonerate the applicant; therefore, the charge is groundless and there is no probability of conviction. He prayed for acquittal of the applicant. In support of his contentions, he relied upon case law

reported as 1994 SCMR 798 (The State vs. Asif Ali Zardari & others), 2014 P.Cr.L.J 802 (Rao Muhammad Arshad vs. The State), and PLD 2001 Lahore 98 (Shabana Mustafa vs. Dr. Muhammad Khalid & others).

5. On the contrary, learned counsel for Respondent No.1 staunchly defended the impugned order and submitted that the applicant has unlawfully occupied the subject property without any legal authority and that the record clearly establishes the ownership of the complainant. It was contended that the learned trial court has rightly dismissed the application under Section 265-K Cr.P.C.

6. Learned Assistant Prosecutor General, Sindh, supported the impugned order and strongly opposed the application, contending that if the complainant has exonerated the applicant, the proper course would be to file a compromise application before the trial court. He prayed for dismissal of the instant revision application.

7. I have heard the learned counsel for the respective parties and perused the available record with their assistance.

8. To elaborate upon the powers of the trial court, Section 265-K Cr.P.C. empowers the court to acquit an accused at any stage of the case, even before framing of charge, after hearing the complainant. An accused may be acquitted under this provision where, on the evidence available on record, there is no probability of conviction for the offence charged.

9. Section 265-K Cr.P.C. confers power upon the Court to acquit an accused at any stage of the proceedings where the circumstances so warrant. Such acquittal may be justified in cases where: (i) the allegations levelled by the prosecution, even if taken at their face value, do not constitute any offence; (ii) no incriminating material is available on record against the accused; (iii) the material collected during investigation, even if formally exhibited, would be insufficient to sustain a conviction; and (iv) the evidence already

recorded does not make out a case for conviction, while the remaining evidence, even if produced, is not likely to improve the prosecution case.

10. There is no cavil to the settled principle of law and judicial propriety that where a criminal trial is nearing completion, the fate of the case ordinarily should not be decided under Section 265-K Cr.P.C., and the matter should be allowed to reach its logical conclusion on merits. However, in the present matter, it has been argued that only the complainant has so far been examined and no incriminating material has surfaced on record which could possibly warrant conviction of the applicant. Furthermore, an earlier Criminal Revision Application filed by the applicant already stands dismissed by this Court, and no fresh or additional ground has been raised in the instant application.

11. In view of the above, no illegality, perversity, or jurisdictional defect has been pointed out in the impugned order which may warrant interference by this Court in exercise of its revisional jurisdiction.

12. For the foregoing reasons, the instant Criminal Revision Application, being devoid of merit, is hereby dismissed

**JUDGE**