HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Criminal Acquittal Appeal No.S-24/2025

Appellant : Dr. Ghulam Murtaza s/o Allah Bux
Through Mr. Pribhulal Goklani advocate.

Respondents : 1. Nawab Ali s/o Allah Bux Kaka.
2. Salahuddin s/o Nawab Ali Kaka
3. The State
Respondents No.1 and 2 in person while respondent No.3 through Mr. Dhani Bakhsh Mari, Assistant P.G.

Date of Hearing: 03.11.2026

Date of Judgment: 03.11.2026

JUDGMENT

***Nisar Ahmed Bhanbhro, J*:** This Criminal Acquittal Appeal is directed against judgment dated 17-04-2025 whereby respondents No.1 and 2 were acquitted of the charge in Sessions Case No.286/ 2024 (arising out of complaint u/s 3(2) of Illegal Dispossession Act, 2005) Re: *Dr. Ghulam Murtaza v. Nawab Ali and another,* by learned Additional Sessions Judge-I, Mirpurkhas.

2. Learned counsel for the appellant contended that sufficient material was available on record to prove charge and witnesses remained consistent on material points. He further contended that appellant is owner of land in question and such entry is entered in his name in the record of rights. He, therefore, prays for allowing instant Acquittal Appeal, setting aside the impugned judgment and conviction of the respondents.

3. Learned Assistant P.G and respondents, present in person, support the impugned judgment and prayed for dismissal of instant Criminal Acquittal Appeal.

4. Heard arguments and perused the material available on record. Learned trial court, while acquitting the respondents of the charge, has observed in Para Nos. 17 and 18 as follows:

> *17. Since the complainant has not given any specific date when the accused persons had occupied the one acre land mere mentioned that in the year 2016, they had occupied the land. Besides, accused party claiming to be in possession of the land since 1989. Therefore, the complainant failed to establish that he has been illegally dispossessed. It is also matter of record that the complainant has 26 acres land, however, he is claiming the possession of the 01 acres other than the disputed area, therefore, it is not acceptable that when he was in possession of 25 acres but he does not know the specific date about dispossession. Even both the eye-witnesses of the complainant have not given the specific date of dispossession. In this regard reliance can be placed on 2014 MLD 1513 in which it was held that date, time and year of the commission of the offence had not been mentioned in the complaint, therefore, case was found of civil nature. Both the witnesses in their cross examination have admitted that they have not seen the accused persons while dispossessing the complainant.*
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> *18. Per complainant, he was dispossessed in the year 2016, however he has filed this complaint on 24-06-2024 with explanation that he has repeatedly approached the accused party but mere mentioning it will not fill the blank of eight (08) years delay. The complainant is well educated person, therefore, he must be aware the grievance redressed before the court, if sufficient time is lapsed. In this regard reliance can be placed in 2017 YLR Note 64 in which it was held that delay more than four year in lodging of complaint has not been explained manner of the occurrence had also not been given, therefore, the order of the trial court was up held.*

5. Admittedly, I.D Complaint was instituted after about 08 years of alleged dispossession; this silence on the part of the complainant adversely affects the complainant's case against the respondents. Moreover, no specific accusation was made regarding dispossession of the appellant. When confronted, learned counsel for the appellant failed to controvert such findings. Since no exception can be taken of the findings of trial court, therefore,

instant Criminal Acquittal Appeal being devoid of merit is dismissed accordingly.

JUDGE

"Saleem"