

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS

Crl. Revision Application No.S-97 of 2024

Applicants: Muhammad Iqbal s/o Hakeem-ud-Din,
Through Mr. Aziz Ahmed Laghari, Advocate
(called absent).

The State: Through Mr. Ghulam Abbas Dalwani, Deputy
Prosecutor General, Sindh.

Respondent: Muhammad Yaseen & 17 others
Through Mr. Muhammad Yaseen M.
Khaskheli, Advocate.

Date of hearing: 08.09.2025

Date of order: 08.09.2025

O R D E R

Amjad Ali Sahito, J: Through this Crl. Revision Application, the applicant/accused has impugned the order dated 29.07.2021 passed by learned 2nd Additional Sessions Judge, Sanghar in I.D.A No.361/2020 (Sessions Case No.106/2021) “Re-Muhammad Iqbal Vs. Muhammad Yaseen and others, wherein application under section 265-K Cr.P.C was allowed. Being aggrieved, the applicant/complainant filed instant Criminal Revision Application before this court.

2. None appeared on behalf of the applicant, no intimation has been received. However Mr. Irfan Umrani shown his attendance and states Mr. Aziz Ahmed Laghari, advocate for the applicant is out of station and requests for time. Such request is highly opposed by the learned counsel for the private respondents/accused and further stated that near about 18 accused persons were booked in this case and criminal complaint was filed under section 3(2) & 8 of Illegal Dispossession Act 2005. It is pertinent to mention here that the instant Criminal Revision Application has been pending since 26.08.2021 without any progress. The learned counsel for the

applicant has repeatedly sought adjournments on one or another pretext. Hence, his request for further adjournment is declined.

3. Learned counsel for the private respondents further argued that during the pendency of the complaint, it was established that the land in question belongs to the Government and that the complainant was not the rightful owner thereof. Subsequently, the applicant filed an application under Section 265-K Cr.P.C., which was allowed by the trial Court. He further prayed that the present Criminal Revision Application, being devoid of merit, may be dismissed

4. I have perused the material available on record, which reflects that enquiry report was called from the concerned Mukhtiarkar, according to said report the matter pertains to demarcation of the property and on the basis of that report the complaint was admitted and certain documents were produced by the respondents/accused persons and on the basis of the documents they were acquitted. However, the learned counsel for the private respondents submits that Constitutional Petitions were also filed, which are still pending before this Court. He further submits that as per record property belongs to Government and the applicant/complainant has wrongly filed the application under sections 3(2) & 8 of Illegal Dispossession Act 2005.

5. Upon perusal of the record as well as the inquiry report, it is evident that the controversy pertains to the demarcation of Government land rather than constituting a case of illegal dispossession. The respondents/accused were acquitted on the basis of documentary evidence, whereas the connected Constitutional Petitions are still sub judice before this Court. It therefore transpires that the application filed under Sections 3(2) and 8 of the Illegal Dispossession Act, 2005, was misconceived and wrongly instituted by the complainant. Consequently, no offence of illegal dispossession is made out, as the applicant/complainant has failed to substantiate his allegations against the respondents/accused, and no material

has been brought on record to demonstrate that the applicant's land has been unlawfully occupied by any person. The learned trial Court has correctly passed the impugned order, which does not suffer from any legal infirmity or procedural irregularity. Accordingly, the instant Criminal Revision Application is hereby dismissed.

JUDGE

****Adnan Ashraf Nizamani****