

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P.No.1368 of 2020

Before:  
Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Irshad Ali Shah

Naresh Kumar ..... Petitioner  
  Versus  
P.O. Sindh & others ..... Respondent

Date of Hearing: 27.02.2020

Date of Decision: 27.02.2020

Mr. Muhammad Aslam Bhatti, advocate for petitioner.

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**ORDER**

**IRSHAD ALI SHAH, J:-** The facts in brief necessary for disposal of instant petition are that Dileep Kumar who is said to be brother of the petitioner was issued a mining permit for Silica Sand over an area of 200.0 acres of the land, without right of ownership near to Misri Faqeer, District Jamshoro, when the petitioner and his brother started his business the official respondents made illegal demands to continue with their business which could not be fulfilled. Consequently, they were involved in four criminal cases outcome of FIRs Crime No.03 of 2020, 04 of 2020, 05 of 2020 and 06 of 2020 of P.S. Jhirk. It was in these circumstances, the petitioner by way of instant petition has sought for protection and direction against learned trial Court to stop the trial of the cases outcome of above said FIRs.

2. It is contended by learned counsel for the petitioner that petitioner and his brother are doing the business under lawful authority, which they are not being allowed to do by the official

respondents for one or other reason and now they have been involved in false criminal cases malafidely. By contending so, he sought for protection for the petitioner with direction to learned trial Court to suspend the trial of the cases against the petitioner and his brother outcome of above said FIRs.

3. We have considered the above arguments and perused the record.

4. The permission for mining, if any, has been issued in name of Dileep Kumar, who has not come forward. If it is believed that the petitioner is managing the affair of his brother Dileep Kumar, even though no relief could be granted to him by this Court in exercise of its constitutional jurisdiction simply for the reason that no trial of the case could not be stopped, which indeed is a legal proceedings under the garb of protection. Consequently, the instant petition being misconceived is dismissed in limine together with the listed applications with direction to the petitioner to prove his innocence or innocence of his brother Dileep Kumar before the learned trial Court at trial in accordance with law.

JUDGE

JUDGE