

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Acquittal Appeal No.S-143 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For orders on M.A. No.5930/2021.
	3. For hearing of main case.
	4. For orders on M.A. No.5931/2021.

15.04.2022

Mr. Aqeel Ahmed Siddiqui, Advocate for the appellant/complainant.

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As per the appellant she was restored with the possession of the subject property under lawful order of the Court, it was trespassed by the private respondents illegally after keeping her under fear of death, for that she lodged F.I.R with P.S Phuleli. After due trial, the private respondents were acquitted by learned Judicial Magistrate/Consumer Protection Court Hyderabad vide judgment dated 20.05.2021, which is impugned by the appellant before this Court by preferring the instant acquittal appeal.

It is contended by learned counsel for the appellant that learned Trial Court has recorded acquittal of the private respondents on the basis of misappraisal of the evidence; therefore, their acquittal is liable to be examined by this Court.

Heard arguments and perused the record.

It was State case, State is not made party to the instant acquittal appeal by the appellant for no obvious reason, which appears to be significant. Be that as it may, the main reason which prevailed with the learned Trial Magistrate for acquitting the private respondents was that a

direct complaint under the provisions of Illegal Dispossession Act, 2005 with regard to the subject property is already pending adjudication before the Court of learned VIIIth Additional Sessions Judge, Hyderabad, which is special law, therefore, the appellant was not authorized to set the law into motion under ordinary law. By making such observation, learned Trial Magistrate has provided ample opportunity to the appellant to continue with her direct complaint in accordance with law. No interference with the impugned judgment thus is called for by this Court by way of instant acquittal appeal, it is dismissed in *limine* along-with listed applications.

J U D G E

Muhammad Danish*