

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Revision Application No.10 of 2024
(Gulberg Jamia Masjid v. Osama Ali and others)

Date	Order with signature of Judge
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1. For orders on MA No.6556/2024
2. For hearing of main case

24.05.2024

Mr. Muhammad Aamir Khan, advocate for the applicant

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1. Granted subject to all just exceptions.
2. The applicant filed a complaint for prosecution of the private respondent for allegedly committing an offence punishable under the provisions of the Illegal Dispossession Act, 2005; it was dismissed by learned IIIrd-Additional Sessions Judge Karachi Central vide order dated 16.08.2023, which is impugned by the applicant before this Court by preferring the instant Crl. Revision Application.

It is contended by the learned counsel for the applicant that the learned trial court has dismissed the complaint of the applicant in a summary manner without considering the material brought on record, therefore, the impugned order being illegal is to be examined by this Court.

Heard arguments and perused the record.

The learned trial Court while dismissing the complaint of the appellant has validly observed that:

“Heard both the sides and perused available material including investigation report submitted by the SHO police station Gulberg

Karachi. It is to be mentioned that the complainant in his complaint has alleged about the encroachment upon a public street and piece of land allotted to the masjid by respondents who are residents of the adjacent of houses by opening their doors into the said plot claim to be allotted to the masjid. The complainant in his complaint has failed to establish that the respondents are possessing characteristics of a land grabber. On the contrary the respondents have taken plea that the complainant was allotted 2000 Square Yards for construction of masjid but the plot of public park is tried to be occupied. Moreover, the respondent Shahrukh and others residents of vicinity have filed a constitution petition before the Honourable High Court of Sindh at Karachi regarding the issue related to present complaint.

In above circumstances I am of the view that the complaints above mentioned merits no consideration and the same stands dismissed..”

No illegality is noticed in the impugned order which may justify this court to interfere with the same by way of instant Crl. Revision Application; it is dismissed in *limine*.

JUDGE

Nadir