

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Revision Appln. No.07 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
-----------------	--

1. *For orders on M.A. No.739/24.*
2. *For orders on O/objection at flag-A.*
3. *For orders on M.A. No.740/24.*
4. *For hearing of main case.*

Date of hearing 26.02.2024.

Mr. Ameet Kumar Roopeja, Advocate for applicant.

ORDER

Through instant Revision Application, applicant Papoo Mal has impugned Order dated 08.03.2021 passed by Special Judge Anti-Corruption (*Provincial*) Sukkur whereby the direct complainant No.403 of 2020 (*Re-Papoo Mal v. Zahid Hussain Shah & others*) was dismissed under Section 203 Cr.P.C.

2. Facts spelt out from the instant revision application are that the applicant owns and cultivates Survey No.766 (04-14)& 894 (0-08) situated in Deh Kandhra, Taluka Rohri since 1963. He stated that survey No.766 is entered in the name of complainant in the Revenue Record vide entry No.225 of Deh Form VII-B and the complainant approached to respondent No.1 for entry in respect of survey No.894 but accused/respondent demanded illegal gratification of Rs.50,000/-. The complainant did not pay such amount on which the respondents No.1 to 3 in collusion with accused/respondent No.4 after getting bribe, mentioned name of one Eidal Shah in Khasra Register in respect of Survey No.894. Hence, complainant/applicant finding no other alternate filed direct complaint U/s 200 Cr.P.C before Court of Special Judge Anti-Corruption (*Provincial*) Sukkur Division, Sukkur for redressal of his grievance. After recording statement of complainant/applicant witnesses Raj Kumar and Pooran Mal the direct complaint was dismissed vide order dated 08.03.2021 which is impugned in this revision.

3. Learned Counsel for applicant contended that applicant lead his evidence before learned trial Court but same was not appreciated while passing impugned order; that learned trial Court has passed order merely on surmises and conjectures without considering the material aspects of the case; that the impugned order passed by the learned trial Court is patently illegal hence, same is liable to be set-aside.

4. Heard learned Counsel for applicant and perused the material available on record.

5. The applicant filed direct complaint against the respondents 1 to 4 under Section 463, 468, 470, 471, 161 PPC r/w Section 5(2) Act-II of 1947 alleging that respondents fraudulently kept entry in S.No.894 in favour of respondent No.4 and also issued Khasra register after receiving illegal gratification of Rs.50,000/-. Bare perusal of impugned order reflects that during the Preliminary Enquiry of subject direct complaint, applicant examined himself as well as witnesses in support of his allegations leveled in the direct complaint in respect of mutation entry of Foti Khata. The impugned order also emanates that Revenue Appeal of applicant is also pending adjudication before Revenue hierarchy which still not attained finality. Complainant earlier also filed direct complaint in respect of same allegations which was withdrawn as reflected from para No.09 of the direct complaint. From the facts of the case as mentioned in the direct complaint, statements recorded during Preliminary Enquiry this is the case of civil nature and the same is pending adjudication as per memo of direct complaint.

In view of above, the allegations leveled by the applicant having no legal substance for consideration therefore, learned trial Court has passed just and proper order and applicant has failed to point out any illegality or material irregularity committed by the trial Court while passing the impugned order.

Consequently, instant revision application being devoid of any legal substance is dismissed in *limine* alongwith listed applications.

J U D G E

*Ihsan/ **