

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Revision Application No. 02 of 2020

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For orders on O/objection at flag-A.
2. For hearing of main case

Date of hearing: 04.03.2024

Date of decision: 04.03.2024

Mr. Ghulam Shabbir Shar, Advocate for applicant
Mr. Munwar Hussain Memon, Advocate for respondents
Mr. Ali Raza Balouch, AAG

ORDER

ZULFIQAR ALI SANGI, J:- Through the instant Crl. Revision Application, applicant Ramz Ali has impugned the order dated 11.12.2019 passed by the Court of Additional Sessions Judge Mirwah, whereby the Cr. Complaint No. 114/2019 Re-Ramz Ali vs. SHO PS Bozdar Wada and others was dismissed.

2. The detailed facts of the case are mentioned in the memo of Cr. Revision so also in impugned order dated 11.12.2019 therefore, there is no need to reiterate or re-produced the same in view of the case of Mohammad Shakeel v. The State and others reported as PLD 2014 SC 458.

3. Heard learned counsel for the applicant, learned counsel for the respondents as well as learned AAG and perused the material available on record with their able assistance.

4. From the perusal of record it appears that the applicant had filed a Crl. Complaint against the official as well private respondents under Section 3 and 4 of Illegal Dispossession Act, 2005 alleging that private respondents/accused in collusion with officials respondents forcibly entered in the land bearing S. Nos. 1124, 1225 and 1226 total 5 acres situated in Deh Bozdar Wada Tapo Bozdar Wada, ousted complainant and dispossessed him deprived from his basic and constitutional right therefore, he filed application u/s 3 and 4 of Illegal Dispossession Act, 2005. From the perusal of impugned order it reveals that the trial Court has called the report from Mukhtiarkar and SHO PS Bozdar Wada. The report of Mukhtiarkar reflects that according to entry No. 259 of VF VII-B dated 30.06.2001 the S. No. 1224(2-00) whole 1225(2-00) whole is shown entered in the name of **Bahadur Ali son of Ramz Ali** and entry No. 260 DATED 27.06.2001 of VF-VII the S. No. 1126 (2-00) acres is shown entered in the name of **Muhkumuddin and Bahadur Ali Shar** (in-equal share) and the above said land granted from Government as per TO Form No. 47 and 48 to the

above named grantee. Mukhtiarkar also reported that Rafiuddin son of Raheem Shar Shar and others made illegal construction of their houses. The report of SHO further supports the version of Mukhtiarkar in respect of Khata in the name of Ramz Ali. Under these circumstances, I am of the considered view that the trial Court did not consider such reports properly. As such, a miscarriage of Justice has been committed in the case.

5. In the light of above circumstances, instant Crl. Revision Application stands allowed. Consequent thereof, the impugned order dated 11.12.2019 is set aside the case is remanded back to the trial Court with directions to pass a fresh order on the basis of report of Mukhtiarkar and SHO PS Bozdar Wada after providing full opportunity of hearing to both the parties and decide it on merits within 3 months time, after receipt of this order.

J U D G E