

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Revision No. S – 60 of 2024

Fresh case

1. For orders on office objection at flag 'A'
2. For orders on MA No.4534/2024 (Ex.A)
3. For hearing of main case

21.11.2024

Mian Mumtaz Rabbani, Advocate for the Applicant

ORDER

Zulfiqar Ali Sangi, J;- Through instant Criminal Revision Application, the applicant has impugned the order dated 19.07.2024 passed by learned Additional Sessions Judge-III, Sukkur, whereby the Direct Complaint filed by the applicant under Section 200 Cr.P.C has been dismissed.

It is the case of applicant/complainant that on 13.10.2022, when he was available in his house, the accused persons had attacked and caused serious injuries to him, hence he approached the concerned police for issuance of letter for medical treatment, which was refused, therefore, he approached the Court of Sessions Judge, Sukkur. In the meanwhile, one Riaz Hussain from the accused side got registered FIR No.109/2022 at Police Station, Salehpat against the sons and other relatives of the present applicant. Thereafter on 15.10.2022, the applicant along with others was available at the Court of Sessions Judge, Sukkur for obtaining pre-arrest bail in the aforesaid crime, his relative, namely Jurial informed him on cellphone that accused persons came at about noon time with deadly weapons while intruding into otaq/house on tractor snatched/looted the valuables mentioned in the memo of direct complaint and took away the same on tractor trolley in their presence. Thereafter, the complainant approached the concerned SHO for registration of FIR, which was refused, hence, he filed an application u/s 22-A and 22-B, Cr.P.C before the Court of Sessions Judge, Sukkur seeking registration of FIR of the incident, which was dismissed by learned 1st. Additional Sessions Judge / Ex-Officio Justice of

Peace, Sukkur vide order dated 14.10.2023, which he had challenged before this Court by way of filing CrI. Misc. Appln. No.S-801 of 2023 and then withdrawn it with permission to file the direct complaint vide order dated 12.12.2023. Subsequently, the direct complaint was filed by the applicant which was also dismissed vide impugned order dated 19.07.2024, giving rise to filing of instant Criminal Revision Application.

It is contended by learned Counsel for the applicant that the accused persons have committed a cognizable offence, therefore, they are liable to be prosecuted under the law by bringing the instant direct complaint on record and issuing process for procuring their attendance; that the impugned order is against the law, facts and equity and same is result of misreading and non-reading of the material available on record in shape of the statement of applicant and his witnesses recorded during preliminary inquiry, which is liable to be set-aside.

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

Perusal of record reveals that after filing of the direct complaint and conducting the preliminary inquiry, the learned trial Court has passed a well-reasoned order, the relevant portion of the impugned order is reproduced hereunder;-

"Record shows that the complainant has stated in his memo of direct complaint that the accused took away his following articles from his otaq viz. 15 HP motor, 1 fan 6", pipe 6", trolley loaded with 15½ mounds of paddy crop (Rice), 1 water router, spray machine, radiator fence, 1 ceiling fan, 1 pedestal fan, 40 lemon trees and 30 Mushq Baid (Eucalyptus) trees and one DEG. But when his statement was recorded on oath u/s 200 Cr.P.C he has self-contradicted his version by deposing that the accused took away his following articles from his otaq viz. water pump along with motor machine of 15 Horsepower, cotton crop weighing about 15½ mounds, one DEG, one television, front net of tractor's radiator, one ceiling fan, one pedestal fan, one box of spray and 30 trees of Mushq Baid (Eucalyptus) in his trolley.

The witness namely Muhammad Jurial and Sohrab have given another version different from the version of complainant by deposing that the accused took away following articles from the otaq of complainant viz. 40 lemon trees, 30 Eucalyptus trees, 15 mounds and 20 kg cotton, one Cauldron, 15 Hp electric motor along with water pump, one tractor radiator, two ceiling fans, one pesticide spray machine, one pedestal fan, one T.V and one tractor-trolley.

After careful perusal of the impugned order, I found no illegality or infirmity in the impugned order passed by learned trial Court while dismissing the direct complaint of the applicant. Resultantly, the instant Criminal Revision Application being devoid of merits is dismissed in *limine* along with listed applications.

Judge

ARBROHI