

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

Criminal Revision Application No.S-80 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
	3. For hearing of M.A. No.8030/2024.

20.01.2025

M/s. Nazar Muhammad Memon & Rameshan Oad, Additional / Assistant Prosecutor General, Sindh representing appellants.

Mr. Muhammad Asif Shaikh, Advocate for respondent.

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Through this Criminal Revision Application, the applicant / State has impugned the judgment dated 15.08.2023 wherein the learned Appellate Court after hearing parties reached its conclusion that substantive procedure of law has not been followed couple with the impugned action of the respondent / Assistant Commissioner Latifabad imposing and recovering fine amount from respondent-Max Bachat Super Mart declared illegal and unlawful and the appeal filed by Max Bachat Super Mart was allowed; consequently, the conviction and sentence dated 17.04.2023 imposing and recovering fine from respondent-Max Bachat was set-aside. Being aggrieved, the State has filed this revision.

During Course of arguments, when it was confronted with the learned APG that whether any evidence regarding charging of excess amount from customer has been collected by the officer who had conducted the raid, he simply stated that the rate which was charged by the respondent-Max Bachat Super Mart was excessive to the Government control rate list. However when again it was inquired from State prosecutor that whether any fake customer was sent to the Max Bachat Mart in order to acquire evidence in respect of excessive rate, he replied in negative. Since no cogent reason has been shown for conducting the raid and nothing has been brought on the record in shape of any documentary proof nor video or any audio evidence is available to believe that Max Super Mart was charging more amount than the government control list amount. The impugned judgment dated 15.08.2023 of learned Appellate Court passed by learned Sessions Judge, Hyderabad is well reasoned covering all aspects of the case as such requiring no interference of this Court. Learned APG failed to demonstrate any illegality or irregularity in the impugned judgment, hence the same is maintained result thereof instant Criminal Revision Application being devoid of merits is dismissed. The order dated 15.08.2023 to the extent of refund amount of fine is hereby recalled. The Revision Application is disposed of.

JUDGE

Muhammad Danish *