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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Revn. Appln. No.S-09 of 2020

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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28.02.2020.

1. For orders on office objections.
2. For hearing of Main Case.

Applicant Ali Nawaz alias Faqir Hakim Ali present in person.

Impugned in this criminal revision application is the order dated 17.12.2019, whereby the learned Additional Sessions Judge-II, Kamber dismissed Direct Complaint No.02/2019 filed by the applicant, in terms of Section 203, Cr.P.C.

2. Briefly stated, the facts as narrated in the direct complaint are that the applicant is "*Sajjadah Nasheen*" of Sufi Wariyal Faqir Abro situated in Village Dittal Abro and on 07.04.2013 some followers came to him as guests, with whom he was chitchatting in his Otaq, when at about 12.00 noon, the proposed accused along with some unknown persons duly armed with deadly weapons assaulted in order to murder him, but they could not succeed in their intention due to his closing the outer door of the Otaq; however, the proposed accused made aerial firing, used filthy language. The incident was reported to the police through mobile phone and on seeing the police party coming, the proposed accused ran away from the scene.

3. The applicant, who is present in person, submits that earlier the direct complaint filed by him was dismissed by the learned Sessions Judge, Kamber-Shahdadkot at Kamber vide order dated 23.12.2013; that thereafter he filed criminal miscellaneous application as well as criminal revision application before this Court, but the same were not pressed by his Counsel without his knowledge and then he again filed





direct complaint before the learned Sessions Judge, Kamber, which was transferred to the learned 1st Additional Sessions Judge, Kamber for its disposal, but the same was dismissed by the Court for non-prosecution vide order dated 17.02.2018 and it was thereafter, he filed instant direct complaint. He submits that he was able to make out a case for taking cognizance, but the learned trial Court has rejected his direct complaint without assigning any cogent reason.

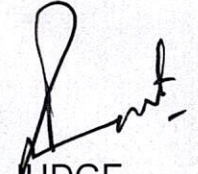
4. It appears from the record that the learned trial Court after recording statement of applicant under Section 200, Cr.P.C, sent the complaint to Judicial Magistrate-I, Kamber for preliminary enquiry, who after recording statement of P.W Muneer Ahmed under Section 202, Cr.P.C returned the complaint with his report. It further appears that the learned Additional Sessions Judge-II, Kamber observed the facts that as per applicant the proposed accused entered into his Otaq and fired upon him but no fire shot hit him and he then closed the door of the Otaq and made phone call to the police regarding the incident. The fact narrated by the applicant does not appeal to prudent mind as to how after firing of the accused persons the applicant was able to close the door of Otaq in presence of the accused persons, who were armed with deadly weapons. The learned Judge has also observed the fact that prior to this complaint, the applicant had also filed two other complaints, out of which one was dismissed in non-prosecution by the learned 1st Additional Sessions Judge, Kamber, while the other one was dismissed by the learned Sessions Judge, Kamber-Shahdadkot at Kamber on merits under Section 203, Cr.P.C.

5. It may be observed here that the alleged incident is shown to have occurred on 07.04.2013 i.e. about 07 years ago and earlier two

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criminal complaints filed by the applicant were dismissed. The assessment of material made by the learned trial Court as to the facts of the case appeals to the reason and therefore, I am of the view that no sufficient material is *prima facie* available on the record for proceeding with the matter, hence the learned trial Court has rightly rejected the complaint.

6. For the foregoing facts and reasons, the impugned order passed by the learned trial Court does not suffer from any illegality or irregularity requiring interference by this Court under its revisional jurisdiction, hence this criminal revision application being devoid of merit is dismissed in *limine*.


JUDGE

Qazi Tahir PA/*