

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Revision Application No.S-09 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on M.A No.416/2025.
3. For hearing of main case.

20.03.2025

Mr. Tehseen Ahmed H. Qureshi, advocate for applicant.
Mr. Mehfooz Ali Laghari, advocate for the respondent No.2.
Mr. Ghulam Abbas Dalwani, Deputy Prosecutor General Sindh.
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After hearing the arguments at length, counsel for the Applicant does not press this application with a request that permission may be granted to file a fresh proceeding after addition or subtraction of the parties who are actual culprits according to the knowledge of the Applicant by removing the names of household ladies. Counsel further requests that permission be granted in case the question of law “doctrine of double jeopardy” is not involved, as the respondents have been acquitted in an FIR with regard to the same property and a CrI. Appeal No. S-124/2024 has been filed and it is pending before this court. Learned DPG and counsel for Respondent No.2 have no objection if the proper application, by removing defects is filed before competent Court.

Accordingly, the Applicant is granted permission to file a fresh proceeding by removing defects. It is observed that the Illegal Dispossession Act, 2005 is a special enactment and the preamble provides objects. The law is enacted to prevent encroachment of the properties of citizens, and its trial procedure is altogether different from a regular trial, notwithstanding the fact that the Criminal Procedure Code is a

supplement to the Illegal Dispossession Act, in case any procedure and substantive provision is not provided in the special statute itself. The respondent/ accused is accused of committing offences under different enactments i.e. Pakistan Penal Code, 1860 and Illegal Dispossession Act, 2005, therefore, provision of section 403 Cr.P.C and Article 13 of the Constitution of Islamic Republic of Pakistan,1973 are not applicable. Reliance can be placed on “Syed Alamdar Hussain Shah. Vs. Abdul Baseer” (PLD 1978 SC 121) and “Hasan and others v. The State” (PLD 2013 SC 793).

In view of above, the Criminal Revision Application is disposed of alongwith listed application.

JUDGE

Faisal