

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Revision Application No.S-15 of 2025

[Khushal Das Vs. Learned A.D.J-II Umerkot and 04 others]

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Mr. Aiman Ali Memon, advocate for the applicant.

Mr. Dileep Kumar Kolhi, advocate for private respondents called absent.

Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Date of hearing 15.09.2026

Date of Order 15.09.2026

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ORDER

Muhammad Humayon Khan, J.:- Through this Criminal Miscellaneous Application, the applicant has impugned the Order dated 24.02.2025 passed by learned Additional Sessions Judge-II, Umerkot, whereby learned trial court dismissed the complaint filed by the applicant.

2. Learned counsel appearing on behalf of the applicant states that the impugned order is contrary to law and the material available on record. He contends that the applicant is the owner of the land in question and was in lawful possession of the disputed Mohag, from which he was forcibly dispossessed by the private respondents. He, therefore, prayed that the impugned order be set aside and the complaint be proceeded with in accordance with law.

3. Learned counsel for the private respondents is called absent without intimation.

4. Learned D.P.G for the State supports the impugned order and contends that the dispute between the parties is essentially of a civil nature arising out of a land transaction and that no case under the Illegal Dispossession Act, 2005 is made out; therefore, the impugned order does not call for any interference.

5. I have perused the record with the assistance of learned counsel for the applicant and learned D.P.G for the State. It appears that the controversy between

the parties arises out of a land transaction concerning Survey No.10. Admittedly, the applicant had sold a portion of the said land to the private respondents; however, he claims that the Mohag attached thereto remained in his possession and that he was forcibly dispossessed on 07.11.2023. The revenue reports show the applicant's share in Survey No.10 and further reveal that, at the time of inspection, the suit land along with the adjacent Mohag was found in possession of the private respondents. The record further shows that a dispute regarding the land transaction already existed between the parties and that a suit for specific performance had been decreed against the applicant vide judgment dated 26.10.2023. The applicant had also earlier invoked proceedings under Sections 22-A & 22-B Cr.P.C which was disposed of as not pressed on the joint statement of the parties to settle their dispute through Nekkards. In these circumstances, the material available on record reflects a pre-existing dispute between the parties regarding the land transaction and possession. The learned trial Court committed no illegality or material irregularity in declining to take cognizance of the complaint.

6. In the circumstances, I concurred with the findings in the impugned Order and I see no ground for setting aside the same, therefore, instant Crl. Revision Application merits no consideration and same stands **dismissed** alongwith pending application(s).

JUDGE

Faisal