

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Acquittal Appeal No.S-80 of 2021

Appellant:	Ali Akhtar	NEMO
Respondents No.1to 4:	Muhammad Siddique and others	NEMO
Respondent No.5:	The StateThrough Ms. Sana Memon, Assistant Prosecutor General.	
Date of hearing:	13.11.2025	
Date of Judgment:	13.11.2025	
Date of Reasons:	18.11.2025	

## J U D G M E N T

**Muhammad Hasan (Akber), J-**Assailed in this appeal, is the Judgment dated 10.03.2021, passed by learned Judicial Magistrate-III Nawabshah / Model Trial Magistrate Court Shaheed Benazirabad, in Old Criminal Case No.63 of 2020 and New Criminal Case No.77 of 2020, 'The State v.Muhammad Siddique and others' arising out of F.I.R No.38 of 2020 of PS A-Sectionfor the offences under sections 506/2, 337-A(i), 504, 147, 148 P.P.C., whereby Respondents No.1 to 4 / Accused have been acquitted under section 245(i) Cr.P.C.

2. Briefly, the facts of the prosecution case are that at the back side of complainant's house there is door for passage. Namely Muhammad Siddique son of Ali Muhammad Arain and Tabish and Danish both sons of Muhammad Siddique Arain are residing in complainant's neighborhood and they used to issue murderous threats to remove the said door and civil suit between complainant party and Muhammad Siddique Arain also is pending over the dispute of said door. The Complainant party was present in their house, on 14.02.2020 at 2:30 pm complainant heard noise of breaking of door of his house, he came out from the house and saw each one Tabish Siddique was having iron rod, Danish Siddique was having iron hammer, Muhammad Siddique Arain was having lathi and Kashif son of Abdul Khaliq Arain was having bricks and four other unknown persons having lathies. Danish Siddique was breaking door and wall with iron hammer, the complainant restrained them on which all the accused persons abused the complainant and Kashif caused brick blows to the complainant on his

head and injured the complainant and blood was oozing, the complainant fell down on the ground and during that Tabish Siddique, Muhammad Siddique and unknown persons caused iron rods and lathi blows to the complainant on which complainant made cries of Khoon Khoon, Ali Ahmed Arain and nephews Daniyal and Danish came by screaming at accused persons and all the accused persons caused them lathi and iron blows and after that all the accused persons went away towards their houses. Complainant with the help of nephews Daniyal and Danish obtained letter from police and got treatment from PMCH Nawab Shah and after that came at PS and lodged present FIR.

4. Heard learned Assistant Prosecutor General Sindh for the State and with her able assistance I have gone through the Judgment impugned and the depositions of witnesses. Record reflects that after framing of charge, the prosecution examined five witnesses, including PW-1 complainant Ali Akhtar Arain, PW-2 Dr. Ayoob Magsi, PW-3 Ali Ahmed Arain, PW-04 ASI Imdad Ali Jatt and PW-05 ASI Darban Gopang. The Statement of the accused under section 342 CRPC were recorded wherein they denied the prosecution allegations. Upon conclusion of evidence, the learned trial court acquitted the Respondents / accused.

5. The case of prosecution was that on 14.02.2020 at 2:30 pm complainant heard noise of breaking of door of his house, he came out from the house and saw each one Tabish Siddique having iron rod, Danish Siddique having iron hammer, Muhammad Siddique Arain having lathi and Kashif son of Abdul Khaliq Arain having bricks and four other unknown persons having lathies. Danish Siddique was breaking door and wall with iron hammer. The complainant restrained them on which all the accused persons abused him and Kashif caused him brick blows on his head and he became injured and blood was oozing. The complainant fell down on the ground when Tabish Siddique, Muhammad Siddique and unknown persons caused him iron rods and lathi blows on which he made cries of Khoon Khoon. On cries, Ali Ahmed Arain and complainant's nephews Daniyal and Danish came by screaming at accused persons and all the accused persons caused them lathi and iron blows. Thereafter, all the accused persons went away towards their houses. The complainant had claimed 8 to 10 injuries to have been received by him, however the Medical evidence did not corroborate with his testimony. The **MLO/ Dr. Ayub Magsi**

**Ex:4**, deposed during his cross-examination with respect to **injuries to Ali Akhtar**, that **Injury No.1 and 2 are minor injuries and there is thin line of lacerated wound in the alleged injuries**. He further stated that if anyone cause any person injury with lathi, brick or iron rod the injured would have got serious injuries of bruise and rapture of the skin of the injured. The Prosecution also examined ASI Imdad Jatt at Ex:6, who issued police letter to the complainant Ali Akhtar. He contradicted from the version of the complainant. He deposed that the complainant **Ali Akhtar came alone at PS. When Ali Akhtar came at PS there were no blood stains on his clothes and face. It is correct to suggest that I did not maintain the entry of issuance of police letter to the injured. Moreover, the investigating officer did not cite any witness from the neighborhood/locality which he has admitted during his cross examination. Both parties are at inimical terms and have been involved in various litigations against each other. In this case the witnesses have not supported the version of the complainant and there are so many contradictions in the instant case which need not to be repeated here. The ocular account not supported by the medical evidence.**

6. From the above, it can be safely concluded that the complainant was unable to establish his case. The learned trial Court was, therefore, justified in holding that the prosecution failed to prove its case beyond reasonable doubt and consequently acquitted the respondents/accused.

7. It has been consistently followed in acquittal appeals that it will have to be established that the acquittal order is unreasonable, perverse and manifestly wrong. These principles have been consistently followed by this Court in the cases of '**Muhammad Sohail Haroon V. Shoukat Ali and 2 others**'(2024 YLR 2804), '**Kim SeonBae v. The State and 2 others**' 2021 YLR 114, '**Muhammad Yasin V. Muhammad Zubair Farooqui and another**'(2022 YLR Note 98), '**Raja Abdul Hameed V. Mashooq Ali Rajpar and 2 others**'(2022 YLR Note 54), '**Amanullah Khan V. Ahtisham Khan and 3 others**'(2020 PCr.LJ 152), '**Mehdi Hassan V. Muhammad Sajid and 2 others**'(2018 MLD 1349).

8. The settled principle of criminal jurisprudence applicable here is, that even if a single circumstance exists, which creates reasonable doubt in a prudent mind about the guilt of the accused, then the benefit of such doubt is to be extended to the

accused, not as a matter of grace and concession, but as a matter of right. Reliance in this regard is placed upon '**Tariq Pervez v. The State**' (1995 SCMR 1345) and '**Muhammad Akram v. The State**' (2009 SCMR 230). As already discussed above, in the present case, multiple contradictions, deficiencies and flaws exist, which will go to the benefit of the accused.

9. Lastly, an Order of acquittal carries with it a double presumption of innocence in favour of the accused and in such cases, the Court is required to act slowly before interfering with such order of acquittal, unless the grounds for acquittal were perverse, wholly illogical or unreasonable. These principles have been settled in '**The State v. Abdul Khaliq and others**' (PLD 2011 SC 554); '**Ghulam Sikandar v. Mamrez Khan**' PLD 1985 SC 11; and '**Tariq Pervez v. The State**' (1995 SCMR 1345); '**Muhammad Asghar and another v. The State**' (PLD 1994 SC 301); '**Mirza Noor Hussain v. Farooq Zaman and 2 others**' (1993 SCMR 305); '**Yar Mohammad and 3 others v. The State**' (1992 SCMR 96). Applying all the above principles to the facts of the present case, no illegality, infirmity, perversity, or jurisdictional error could be established which would call for interference in the impugned Judgment. Accordingly, the Judgment impugned is upheld; and the instant Criminal Acquittal Appeal is dismissed. These are the reasons for my short Order dated 13.11.2025.

**JUDGE**