

THE HIGH COURT OF SINDH AT KARACHI  
Criminal Acquittal Appeal No.651 of 2022

Appellant: Muhammad Faheemuddin  
Respondent: Ms. Rubina Qadir, D.P.G.  
Date of hearing: 11.09.2025  
Date of Judgment: 23.09.2025

**J U D G M E N T**

**MUHAMMAD HASAN (AKBER), J.--** This Criminal Acquittal Appeal is filed by appellant Muhammad Faheemuddin against the Order dated 08.10.2022, passed by learned VI Civil Judge and Judicial Magistrate, Karachi Central, in Criminal Case No.2425 of 2021, arising out of FIR No.239/2021, registered at P.S. New Karachi, for offence under Sections 447, 448, PPC, whereby applications under Section 249-A, Cr.PC, filed by accused/respondents 1 to 4 for their premature acquittal was allowed.

2. Briefly, the facts of the prosecution case as mentioned in the FIR are that complainant purchased Plot No.LS-169, measuring 40 Sq. Yds. Situated in Sector 11/E, New Karachi, from one Abdul Hameed and got it transferred to his name from KDA, the same was allegedly occupied by Khurram Qureshi, Kamran Qureshi, Munna Qureshi and Furqan Qureshi and they started construction on it, hence the subject FIR. After usual investigation, challan against accused was submitted before the learned trial Court. Learned trial Court framed against accused for offences under Sections 448/447 PPC. Accused pleaded not guilty and claimed to be tried.

3. Learned D.P.G., opposed the appeal and fully supported the impugned order and prayed dismissal of instant appeal.

4. I have carefully examined entire prosecution evidence available on record with the assistance of appellant as well as learned D.P.G. record reflects that deposition of complainant was recorded by learned Court on 10.03.2022 and was cross-examined on 02.04.2022. Except the complainant, prosecution has failed to produce any other witness despite lapse of a considerable time. Thereafter, applicants/ accused moved application under Section 249-A, Cr.PC on 22.05.2022 and 07.09.2022, respectively, for their acquittal and the learned trial Court, after hearing the learned counsel for the parties and assessment of evidence so recorded, acquitted the above named accused, mainly for the reasons that: (i) that despite lapse of considerable time, the complainant prosecution failed to produce any other witness except the complainant;

(b) that in the FIR it was expressly alleged that accused Kamran Qureshi claimed himself as owner of the property but the complainant did not implead him as an accused in the complaint under Illegal Dispossession Act. Even before the learned trial court, counsel for complainant conceded that the complainant has no accusation against the said Kamran Qureshi. Such a position creates serious doubts about the very basis on which the claim was lodged; (c) the learned trial Judge also duly considered Exhibits 3/E and 3/G whereby no role was attributed to the accused nor even the names of the accused were disclosed but the same were later on added; (d) the learned trial Court also duly considered pendency of civil suit number 448/2020 before the learned XI Senior Civil Judge Karachi Central filed by the uncle of the accused Furqan Qureshi with respect to the same property; (e) the learned trial Court rightly observed that any decision with respect to the title of the said property ought to be made in the above referred civil suit instead of the present criminal proceedings, and reliance in this regard was placed on, **2013 YLR2716** and **1990 PCRLJ 353**. Hence the learned trial Court appreciated the entire case carefully and finally reached to the conclusion that the prosecution had utterly failed to establish the guilt of respondents/accused beyond reasonable doubt. The well settled principle of law in acquittal appeals as held in the leading Judgment on the subject in the case of **'The State v. Abdul Khaliq and others (PLD 2011 SC 554); Ghulam Sikandar v. Mamrez Khan PLD 1985 SC 11; Tariq Pervez v. The State (1995 SCMR 1345)** is that the parameters for an appeal against acquittal to succeed are much narrower than in the case of an appeal against conviction and such an acquittal should not be interjected until the findings are found to be perverse, arbitrary, foolish, artificial, speculative and ridiculous. Needless to observe that the scope and criteria for interference in an appeal against acquittal is much narrow and limited as compared to a conviction appeal because in an acquittal, the presumption of innocence is significantly added whereas with the acquittal, the accused person acquires a double presumption of innocence, hence a very heavy burden lies upon the prosecution for warranting interference against such judgment of acquittal. The findings of acquittal cannot be reversed merely because a different conclusion from that of the Court acquitting the accused is also possible. The Courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, or suffering from the errors of grave misreading or non-reading of evidence. Such judgments should not be lightly interfered with and a heavy burden lies on the prosecution to rebut the presumption of innocence which the accused has earned and attained on account of his acquittal. It has been categorically held in a

plethora of judgments that interference in a judgment of acquittal is rare and the prosecution must show that there are glaring errors of law and facts committed by the Court in arriving at the decision, which would result into grave miscarriage of justice; that the acquittal judgment is perfunctory or wholly artificial or a shocking conclusion has been drawn. Moreover, in number of dictums of Apex Court, it has been categorically laid down that such judgment should not be interjected until the findings are perverse, arbitrary, foolish, artificial, speculative, and ridiculous. The Court of appeal should not interfere simply for the reason that on the re-appraisal of the evidence a different conclusion could possibly be arrived at, and the factual conclusions should not be upset, except when palpably perverse, suffering from serious and material factual infirmities.

6. The appellant is unable to point out any error, perversity, or legal or jurisdictional defect in the impugned order calling for interference by this Court. The impugned order passed by learned trial Court is neither perverse nor speculative, but it is based upon sound reasons, which requires no interference by this court.

7. For above stated reasons, there is no merit in the appeal against acquittal. Finding of the innocence recorded against the respondents/accused by the trial Court are based upon sound reasons which require no interference at all. As such, instant Acquittal Appeal is without merit and the same is dismissed.

**JUDGE**