

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Acquittal Appeal No. 158 of 2021

[Muhammad Khawar Iqbal...v...Muhammad Farhan and
other]

Date of Hearing : 11.04.2025

Appellant through : Mr. Abdul Majeed Khoso, Advocate

Respondents through : Ms. Rahat Ahsan, Addl. P.G.

ORDER

Amjad Ali Sahito, J:- Through instant Criminal Acquittal Appeal, the appellant has impugned the judgment dated 16.01.2021, passed by the learned Civil Judge & Judicial Magistrate/Consumer Protection Court South-Karachi, arising out of FIR No.85/2013, U/s 147, 149, 427, 506 PPC registered at PS Saddar, Karachi, whereby accused/Respondents No.1 to 5 were acquitted. Being aggrieved, the appellant/complainant has filed this acquittal Appeal.

2. The details and particulars of the FIR are already available in the appeal and FIR, same could be gathered from the copy of FIR attached with such appeal, hence, needs not to reproduce the same hereunder.

3. After framing the charge, the prosecution examined Six PWs and they produced certain documents and thereafter the side was closed and the statement of the accused was recorded under Section 342 Cr.P.C and after hearing the respective parties, the trial court acquitted the Respondents/Accused vide Judgment dated 16.01.2021.

4. Per learned counsel, in fact sufficient material was available on record establishing the involvement of the accused in the case; but the learned trial court has not considered the same. He further argued that there was a misreading no-reading in the case as prosecution has fully supported the case as such they were very much involved in this case.

5. The appellant being aggrieved and dissatisfied with the acquittal of Respondents has preferred the instant criminal acquittal appeal. The appellant prayed for setting aside the impugned judgment and conviction to the respondents/accused.

6. On the other hand, learned Addl. P.G, Sindh supported the impugned Judgment and states that Section 506 PPC speaks that there is a threat issued by the accused persons but there is no evidence on record to believe that they were issuing threats of dire consequences to the complainant party whereas Section 426 provide a loss of more than 50 rupees; hence no case is made out and it is settled principal of law that acquittal always have double presumption.

7. Heard and perused the record.

8. From perusal of record it reflects that the case of the prosecution is that the Respondents/accused are being members of unlawful assembly have committed criminal intimidation to the complainant party and after going through the evidence of the prosecution witnesses, I find that there are material gaps and lacunas in the evidence of the complainant, contents FIR and other prosecution cases. Appellant/Complainant, in his examination-in-chief, deposed that he being Chief Financial Officer and Secretary of the JSIL Company was present in the Crown Hall-B of Regent Plaza Hotel where suddenly 30 to 40 people forcibly entered into the Hall, pushed away the security guards, started hues and cries, made law and order situation and broke the door and windows. Due to such thing, hotel executive informed the police and thereafter police party arrived at the spot and apprehended the Respondents and other persons fled away from the spot.

9. No illegality or irregularity has been pointed by learned counsel for the appellant. Resultantly, the instant Criminal Acquittal Appeal is **dismissed**.

JUDGE