

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS.**

**Criminal Acquittal Appeal No.S-07 of 2025**

Appellant/Complainant: Sahabuddin s/o Muhammad Essa  
(Called absent).  
Through Mr. Shahnawaz Janjhi,  
Advocate (Called absent).

The State: Through Mr. Neel Parkash, Deputy  
Prosecutor General Sindh

**Date of Hearing : 25.09.2025**  
**Date of decision : 25.09.2025**

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

**Amjad Ali Sahito, J.-** By this judgment, I intend to dispose of Crl. Acquittal Appeal No.S-07 of 2025, against the impugned judgment dated 17.12.2024, passed by learned Civil Judge & Judicial Magistrate, Chachro, in Cr. Case No.110/2023 (Re. The State through Sahabuddin Vs. Dodo & others) in crime No.33/2023 under sections 337-F(vi), 506(ii), 114, 504, 34 PPC, registered at PS Kheensar, whereby the respondents namely Dodo, Ranjeet, Ghaman and Sawai, all by caste Bheel were acquitted u/s.245-(1), Cr.PC, which the appellant/complainant has impugned the Judgment before this Court against the above named respondents by way of filing instant Criminal Acquittal Appeal.

2. The brief facts of the prosecution case are that complainant Sahabuddin son of Muhammad Essa lodged an FIR on 05.07.2023 at about 08:00 a.m. near the cattle pen of Muhammad Usman Rahimoon, situated at Village and Deh Tardos, Taluka Chachro. It is alleged that the accused persons, namely (1) Dodo armed with a lathi, (2) Ranjeet, (3) Sawai, and (4) Ghuman, intentionally insulted the complainant; that upon

the instigation of accused Ranjeet, accused Dodo inflicted a lathi blow on the complainant's right forearm, while the remaining accused assaulted him with kicks and fists and also extended threats of murder to the complainant party. Hence, the present FIR was registered. Upon completion of investigation, the police submitted the report under Section 173, Cr.P.C. before the competent Court of law.

3. The necessary papers were supplied to the accused and the formal charge was framed against accused persons at Ex.2 and plea of accused were recorded, wherein they pleaded not guilty and claimed for trial.

4. At trial, the prosecution had examined six witnesses, who have produced numerous documents. After examination of material witnesses the prosecution closed its side.

5. The statements of respondents/accused under section 342 Cr.P.C were recorded by the learned trial Court wherein they denied the prosecution allegations leveled against them and they have falsely been implicated in this case. However, they did not examine themselves on oath nor led any evidence in their defence.

6. None present for the appellant. No intimation has been received. Same was position on last two dates of hearing, which shows that appellant has no interest to pursue with the matter.

7. I have meticulously examined the material available on record, which reveals material contradictions and inconsistencies in the testimony of the prosecution witnesses, thereby rendering the matter to be one of no evidence. The alleged incident is stated to have occurred on 05.07.2023; however, the letter for medical treatment was procured on 07.07.2023, the final medical report was issued on 08.08.2023, and the FIR was lodged belatedly on 18.08.2023. Moreover, the ocular account is not found to be in consonance with the medical findings pertaining to the injured complainant.

8. With regard to the allegations under Sections 504 and 506, Pakistan Penal Code (PPC), it is observed that no specific words have been attributed to the accused persons to constitute the use of abusive or filthy language so as to fulfill the essential ingredients of Section 504, PPC. Likewise, upon careful scrutiny of the entire record, there appears to be no cogent or convincing evidence against the accused persons except for mere oral threats; however, the offence of criminal intimidation as defined under Section 503, PPC and punishable under Section 506(2), PPC is also not made out in the prevailing circumstances of the case.

9. In view of the foregoing discussion, it is evident that the prosecution has failed to bring on record any convincing or reliable material to connect the accused with the commission of the alleged offences. The contradictions in the prosecution evidence, the unexplained delay in registration of FIR, and the absence of medical corroboration create serious doubts regarding the veracity of the prosecution case. The essential ingredients of Sections 504 and 506, PPC are also lacking, as neither any specific words of abuse have been attributed nor the offence of criminal intimidation are made out. Consequently, the case against the accused is doubtful in nature.

10. I am fully satisfied with appraisal of evidence done by the learned trial Court and I am of the view that while evaluating the evidence, the difference is to be maintained in appeal from conviction and acquittal appeal and in the latter case interference is to be made only when there is gross misreading of evidence resulting in miscarriage of justice.

11. The over-all discussion involved a conclusion that the appellant/complainant has miserably failed to establish the guilt against the respondents/accused beyond any shadow of doubt, in these circumstances, the learned trial Court has rightly evaluated the evidence while recording acquittal of the

respondents. It is well settled principle of law that in criminal cases every accused is innocent unless proved guilty and upon acquittal by a Court of competent jurisdiction such presumption doubles. Very strong and cogent reasons are required to dislodge such presumption. The reasons given by the learned trial Court in its judgment have not been found by us to be arbitrary, fanciful or capricious, requiring any interference by this Court. Consequently, the instant appeal filed by the appellant/complainant merits no consideration, which is dismissed accordingly.

**J U D G E**

*\*Adnan Ashraf Nizamani\**

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