

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Acquittal Appeal No.D-05 of 2024

Present: -

Mr. Justice Amjad Ali Sahito

Mr. Justice Jan Ali Junejo.

Appellant: The State, through P.G Sindh, Karachi,
Through Mr. Shahzado Saleem, Additional P.G.

Respondents: Salamat Ali and 04 others.
Through Mr. Aziz Ahmed Laghari, Advocate.

Date of hearing: 29.09.2025.

Date of judgment: 29.09.2025.

J U D G M E N T

AMJAD ALI SAHITO, J.- Through this Criminal Acquittal Appeal, the Appellant/State has challenged the Order dated 20.02.2024 passed by the learned Judge, Anti-Terrorism Court, Mirpurkhas Division, Mirpurkhas in Special Case No.11/2022 arising out of Crime No.37/2022 for offences under sections 324, 386, 427, 506(ii), 337-H(ii), 147, 148, 149 PPC r/w section 6/7 ATA of P.S Town Mirpurkhas, whereby the respondents were acquitted of the charge under Section 265-K Cr.P.C. along with amalgamated/connected Special Case Nos.11-A, 11-B and 11-C of 2022.

2. The brief facts of the prosecution case are that on 16-03-2022 complainant Kamaluddin lodged FIR with P.S Town Mirpurkhas stating that he is a property dealer and Salamat Ali Lakho Amanat Ali Lakho, Mashooque Chandio, Rafique Panhwar, Essa alias Guddu Thebo and others were blackmailing him and issuing threats of murder to extort money. In this regard, he has sent applications to different higher authorities. On 16.03.2022 he, his brothers Ashfaq and Irshad were going on his Car No.BUJ-894 to Tando Adam to attend the marriage ceremony of their relative, when at about 1930 hours they reached at PCB ground Mirpurkhas, one white colour Cultus Car No.BRU-825 crossed his

car and stopped from whom three persons who were armed with pistols got down and gave him signal to stop his car. In the meanwhile one white colour Parado No.AFR hit his car from back side on which he stopped the car. In the meanwhile he saw Salamat Ali Lakho, Amanat Ali Lakho, Mashooque Chandio, Essa alias Guddu Thebo, Rafique Panhwar and two unknown persons who will be identified if seen again got down from the Parado who asked him to handover documents of Dubai Plaza and Plot and also execute such agreement. He refused to do so on which all the accused persons became annoyed and started straight firing upon them with intention to kill. They got down from the car and laid down by taking the shelter of the car. Three fire shots made by the accused persons hit to his car. On the noise of firing several persons gathered. Then accused persons asked him to handover documents of Dubai Plaza and Plot, otherwise they will kill them, thereafter all accused persons went away by making firing and creating sense of fear, terror and insecurity in the locality.

3. The learned A.P.G submits that infact the entire case was proceeded and it was appropriate for the trial court to decide the matter after the parties and pass a full-fledged judgment wherein in short manner and on flimsy grounds, the learned trial court has acquitted the accused persons. He prayed that order may be set-aside and learned trial court be directed to hear the parties and pass a judgment in accordance with law.

4. On the other hand, learned counsel for the respondents has fully supported the impugned order. He submits that there is no bar under Section 265-K Cr.P.C to acquit an accused at any stage of the proceedings if the charge is groundless or if the available material shows that there is no probability of conviction. He prayed that appeal be dismissed.

5. Heard and perused.

6. From perusal of record, it appears that after completion of all legal formalities, the learned trial Court upon evaluating the material placed before it, rightly exercised its jurisdiction under Section 265-K Cr.P.C. which empowers the Court to acquit an accused at any stage of the proceedings if the charge appears to be

groundless or there is no probability of conviction. The impugned order shows that the complainant and prosecution witnesses were examined and their statements did not furnish any substantive evidence connecting the respondents with the alleged offences of firing, extortion or creating terror. The independent witnesses cited in the F.I.R were either not produced or did not support the allegations. The site inspection and recovery memos did not yield any incriminating article, nor was any forensic or ballistic report adduced to corroborate the alleged firing upon the complainant's vehicle. In these circumstances, the learned trial Court was justified in holding that the evidence collected was insufficient to expect a conviction and that continuing the trial would be a futile exercise, and therefore passed an order of acquittal under Section 265-K Cr.P.C. It is by now a settled principle of law that there is no legal bar to acquit an accused at any stage of the proceedings when the available material does not disclose any reasonable prospect of conviction. The order of the trial Court is a speaking order, supported by cogent reasons and free from misreading or non-reading of evidence, and calls for no interference.

7. In view of the foregoing discussion, it is evident that the impugned order of acquittal is well-founded, well-reasoned and passed strictly in accordance with law. No illegality or material irregularity has been pointed out which may justify interference by this Court. Consequently, the instant Criminal Acquittal Appeal is **dismissed**.

JUDGE

JUDGE

Faisal