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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Acquittal Appeal No. S- 47 of 2016.

Date of hearing 29.08.2017.	Order with signature of Judge
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Syed Aijaz Ali Shah, Advocate for applicant.  
Mr. Gada Hussain Abro, DDPP.

Omar Sial, J: Appellant Faique Hussain Hakro has assailed a judgment dated 29.08.2016 passed by the learned 5<sup>th</sup> Civil Judge and Judicial Magistrate, Shikarpur; in terms of the said judgment the respondents were acquitted in Crime No.63 of 2013 registered under Sections 447, 114, 337-A (ii) and 337- (iv), 148 and 149 PPC at the Lakhi Gate police station.

I have heard the learned counsel for the appellant and also gone through the impugned judgment.

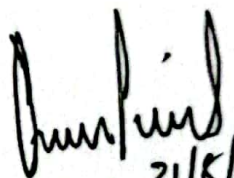
The learned counsel for the appellant has raised only one ground in support of the appeal. He argued that the learned trial Judge discarded a medical certificate issued by one Dr. Imtiaz Ali Memon, thereby damaging the case of the complainant's case.

It is very clear from the judgment that the learned trial Judge, after evidence was led, in paragraph 9 of the impugned judgment concluded that the medical certificate which was issued by Dr. Imtiaz Ali Memon was fake and that he had been banned in 2012 to act as a medico legal officer. This fact was confirmed by the District Health Officer, Shikarpur. There was also a notification issued by the Secretary Health which was brought on record which also stated that the said Dr. Imtiaz Ali Memon was not allowed to work as a medico legal officer and that he was involved in the issuance of fake and forged notifications. In my view the learned trial Judge was justified in not taking into account the certificate issued by the Dr. Imtiaz Ali Memon. It is also pertinent to mention that the learned trial Judge has given other reasons for his judgment.

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The learned counsel for the appellant has been unable to point out any jurisdictional error or non-reading or mis-reading of evidence in the judgment or that the same is illegal, perverse or capricious. Needless to say that a double presumption of innocence also works in favour of the respondents at this stage.

For the above reasons, this appeal was dismissed vide short order dated 29.08.2017.

  
JUDGE 31/8/17

Ansari/\*