

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

*Criminal Acquittal Appeal No. 892 of 2025*  
*(Mst. Syeda Sadia Riffat Versus Syed Suleman Ali & others)*

DATE	ORDER WITH SIGNATURE OF JUDGES
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*Before:-*  
**Ali Haider 'Ada', J.**

- Fresh Cases  
1. For order on MA No. 16182/2025 (Urgent/A)  
2. For order on MA No. 16183/2025 (Exemption/A)  
3. For hearing of Main Case

**18.11.2025**

Mr. Muhammad Kamran Mirza Advocate along with Appellant Syeda Sadia Riffat

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Through this Criminal Acquittal Appeal, the appellant assails the judgment dated 26.09.2025 passed by the learned Judicial Magistrate-VII, Karachi Central, whereby respondents No.1 to 3 were acquitted in Criminal Case No. 3060 of 2022, arising out of FIR No. 568 of 2022 registered at Police Station North Nazimabad, Karachi, for offences punishable under Sections 468, 471, 506, and 34 PPC.
4. The complainant, in her prosecution case, stated that her father purchased the property in question in the year 1975 from his elder brother (the complainant's paternal uncle and father of the accused / Respondent No.1 and 2). After the death of her uncle, his sons, namely Syed Suleman Ali and Syed Amjad Ali (respondents No.1 and 2), continued residing in the premises around the year 1980 with the consent of the complainant's father, as he had obtained a loan from the House Building Finance Corporation (HBFC). Upon clearing the loan in 1998, when her father approached the HBFC, he was informed that the respondents had taken away the file pertaining to the property. Consequently, an application was moved before the Karachi Development Authority (KDA), whereupon the mutation standing in the name of Syed Suleman Ali (respondent No.1) was cancelled vide order dated 06.09.2022. Thereafter, the accused persons allegedly extended threats of dire consequences. The complainant reported an incident on 28.11.2022, whereas the incident mentioned in the FIR relates to 13.11.2022.
5. During the investigation, the Investigating Officer let off respondents No.2 and 3 and submitted the challan only against respondent No.1. However,

the learned trial Court took cognizance and thereafter, on 27.01.2023, framed the charge against all respondents, to which they pleaded not guilty and claimed trial. The prosecution was then allowed to lead its evidence. In doing so, it examined the complainant; PW Muhammad Khalid, the complainant's husband; ASI Syed Faisal Ali, the Investigating Officer; PW Gohar Zaman, Mukhtiarkar; and Muhammad Ausaf, Branch Manager, National Bank of Pakistan. After completion of the prosecution evidence, the side was closed and the statements of the accused were recorded, wherein they professed innocence and prayed for acquittal. The learned trial Court, after hearing counsel for the parties and examining the material available on record, proceeded to pass the impugned judgment, which has been challenged through this Criminal Acquittal Appeal.

6. Learned counsel for the appellant/complainant submits that the learned trial Court has based its judgment primarily on the ground that civil litigation is pending between the parties. He argues that it is a settled principle that pending civil proceedings do not bar or nullify criminal liability, nor can civil litigation override criminal prosecution. He further submits that there was no delay attributable to the complainant in lodging the FIR, as an application under Sections 22-A and 22-B, Cr.P.C. had been moved, pursuant to which the FIR was subsequently registered. He contends that the trial Court has relied upon minor discrepancies, which in law do not justify discarding the prosecution case, and that the respondents were extended the benefit of doubt without proper appreciation of evidence, rendering the judgment illegal and irregular. He, therefore, prays for setting aside the impugned judgment.

7. Heard. Record has been perused.

8. According to settled principles of criminal jurisprudence, an accused is presumed innocent until proven guilty, and once a judgment of acquittal is recorded, this presumption stands further strengthened, resulting in a double presumption of innocence. In this context, a clear distinction exists between an appeal against acquittal and an appeal against conviction. It is a well-established principle of law that the scope of interference by an appellate Court in a judgment of acquittal is narrow and limited. A strong presumption of innocence attaches to an accused, which becomes fortified after acquittal. Therefore, the burden lies heavily upon the appellant/prosecution to demonstrate that the findings of the trial Court are perverse, arbitrary, or the result of gross misreading or non-reading of evidence. It is further recognized

that an appeal against acquittal stands on a different footing from an appeal against conviction, as in the former category, the accused enjoys a more strong presumption of innocence, which must be accorded due weight by the appellate Court. Reliance is placed on the case of *Fida Hussain alias Saboo v. The State* (2025 SCMR 993).

9. So, in this aspect, the scope of interference is indeed narrow; however, such interference may be justified if the appellant can demonstrate any exceptional illegality or material irregularity in the impugned judgment. It is, therefore, on this touchstone that the case is to be examined.

10. After scanning the material, it has come to the surface that, according to the complainant, the incident regarding cancellation of the mutation pertains to an order passed by the K.D.A. on 06.09.2022. As per the FIR, the complainant claims that the payment had been cleared in 1998. It is, therefore, quite surprising that from 1998 until 2022, the complainant remained completely silent on this issue. Such an unexplained delay causes serious prejudice to the prosecution's case. Furthermore, the mutation is already sub judice before the Civil Court; hence, its determination cannot be undertaken by the Criminal Court, as matters relating to declaration of property fall outside its domain. Even the Investigating Officer admitted that civil suits between the parties are pending. It also came on record that the father of the complainant, during his lifetime, never lodged any complaint against the respondents/accused. In addition, a strong and cogent plea emerged from the deposition of the Mukhtiarkar, who stated that the matter essentially involves a question of inheritance between the parties.

11. Moreover, the FIR reflects the date of the incident as 13.11.2022, on which day the accused persons are alleged to have issued threats of dire consequences. However, the complainant herself did not depose anything to substantiate this specific allegation during trial. Even her husband, who was examined as Prosecution Witness No. 2, did not corroborate the allegation of criminal intimidation. Thus, the charge remained unsupported by any reliable or confidence-inspiring evidence. In the presence of such material contradictions, the learned trial Court was justified in arriving at the conclusion of acquittal. Reliance is placed upon the case of *Fateh Khan vs. The State and others* (2025 SCMR 1408).

12. Additionally, no official from the Karachi Development Authority or any functionary from the House Building Department stepped forward to depose

in support of the prosecution. These were material and marginal witnesses whose testimony was essential for unfolding the true facts of the case. Their non-production attracts an adverse inference under **Article 129(g) of the Qanun-e-Shahadat Order, 1984**. Support is drawn from the case of *Waqas Ahmed vs. The State* (2025 SCMR 1087).

13. It is well established that if, the judgment is manifestly perverse, arbitrary, or suffers from a glaring misreading or non-reading of material evidence, interference by the appellate court may be justified. However, no such infirmity is evident in the present case. The learned trial Court has appreciated the evidence in its true perspective and has assigned justified reasons for acquittal. In case of *Al-Haaj Malik Muhammad Ashraf v. Javed Akhtar and another* (2025 SCMR 787), wherein the Honourable Supreme Court held that

*7. It is a well-settled principle that an acquitted accused enjoys a double presumption of innocence. An appellate court should exercise restraint in overturning an acquittal unless the judgment is manifestly perverse, arbitrary, or suffers from a glaring misreading or non-reading of material evidence, which is not evident in the present case. Reliance is placed on Muhammad Mansha Kausar v. Muhammad Asghar and others (2003 SCMR 477).*

14. Based on the foregoing discussion, it is the considered view of this Court that the learned trial Court has rightly acquitted the respondents through the judgment, which is based on proper appreciation of evidence and does not suffer from any illegality, infirmity, or perversity warranting interference. Consequently, the instant Criminal Acquittal Appeal, being devoid of merit, stands dismissed.

**JUDGE**

*Amjad PS*