HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Criminal Acquittal Appeal No.S-04/2026

Appellant : Mahasingh s/o Soorito Jee
Through Mr. Vasand Thari advocate.

Respondents :
1. Khetsingh s/o Ajatsingh.
2. Jesso alias Jaswani Singh s/o Ajatsingh.
3. Gopal Singh s/o Bhamro.
4. Sango s/o Gopalsingh
   Through Mr. Jeeloji Rajput Advocate.
5. The State.
   Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of Hearing: 26.10.2026

Date of Judgment: 26.10.2026

JUDGMENT

***Nisar Ahmed Bhanbhro, J*:** This Criminal Acquittal Appeal is directed against judgment dated 17-01-2026 whereby respondents No.1 to 4 were acquitted of the charge in Criminal Case No.40/ 2024 (arising out of F.I.R bearing Crime No. 25/ 2024 for offence under sections 337-F(vi), 337-L(ii), 337-A(i), 114, 148, 506, 504 PPC of P.S Chachro) Re: *The State v. Khet Singh and others,* by learned Civil Judge and J.M, Chachro.

2. Learned counsel for the appellant contended that sufficient material was available on record to prove charge and injured witnesses remained consistent on material points. He further contended that it was injury case and evidence of star witness was sufficient to award conviction to the respondents. He, therefore, prays for allowing instant Acquittal Appeal, setting aside the impugned judgment and conviction of the respondents.

3. Learned counsel for the respondents submits that there is material contradictions in prosecution case, therefore, learned trial court has rightly acquitted the respondents by extending benefit of doubt. He prayed for dismissal of instant Criminal Acquittal Appeal.

4. Learned D.P.G supports the contentions of learned counsel for the appellant and submits that sufficient incriminating material is available on record to award conviction to the respondents.

5. Heard arguments and perused the material amiable on record. From scanning of record, it transpires that learned trial court at para No.9 of the impugned judgment observed as under:

> ***"09.*** *The final medical certificate reflects injuries on both the right and left hands of the complainant; however, the complainant did not utter a single word regarding any injury of his right hand. Moreover, the IO, in his examination-in-chief, stated that the complainant sustained one injury on his left hand and another on his head, pursuant to which he prepared the injury memo. Further, PW-05/Dr initially described the nature of weapons used in all injuries as "sharp and cutting." Subsequently, he issued a corrigendum wherein he altered the nature of weapons for injuries Nos. 02, 03, and 04 to "hard and blunt." Despite this, both the complainant and the witness Masher remained completely silent regarding any straight blow of hatchet, except the IO, who stated that the complainant had narrated to him that the accused inflicted straight (sharp side) hatchet blows and lathi blows. Contrarily, the complainant, in his cross-examination, stated:* "It is incorrect to suggest that Khetsingh did not cause a handle blow of the hatchet to me." *This contradiction clearly indicates that no sharp or cutting weapon was used in causing the injuries during the alleged incident. Additionally, the complainant admitted in his cross-examination that the FIR was lodged after consultation with his brother and other relatives. PW-02/Masher deposed that the accused had issued murderous threats; however, the complainant did not mention any such threats at any stage. The complainant further stated that on 29-07-2024, ASI Kewal visited the place of occurrence and prepared the site inspection memo in the presence of Mangal Singh and Lachaman Singh. However, witness Lachaman Singh, in his cross-examination, stated:* "Mangal Singh, I, and three police personnel were present at the place of incident at the time of visit. *The IO also failed to collect the blood-stained clothes of the complainant, which is a significant lapse in the investigation. Admittedly, there is previous litigation held between both parties and such cases were also registered. Complainant has admitted in his cross examination that accused Gopal Singh lodged FIR against him. Moreover, the injury memo records only two injuries, whereas the medical certificate of the injured reflects four injuries. Notably, the injury to the right hand is absent from the injury memo but appears in the final medical certificate. Thus, it is evident on record that the ocular evidence is not in consonance with the medical evidence of the injured. I am fortified in my view by a*

> *case of Honourable High Court of Sindh reported in 2021 YLR Note 75 and* ***placitum (c)*** *is cited as under,* ***"Criminal trial------- Medical evidence---Scope---Medical evidence might confirm the ocular evidence with regard to the seat of injuries, nature of the injuries, kind of weapon used in the occurrence, but it would not connect the accused with the commission of the offence."*** *In the light of above appreciation of evidence, prosecution has failed to prove the charge against accused persons. Under these circumstances, false implication of accused persons cannot be ruled out. Therefore, point No.01 is replied as not proved.*

6. From the findings referred hereinabove it transpires that there was difference of locate of injuries in between the memo of inspection of injuries and Medico-legal Certificate (M.L.C); kind of weapon used in the commission of crime coupled with fact that blood stained clothes were not produced before the police and so also in memo of injuries the Inspecting Officer did not record injury on right hand of injured; however, from final Medico-legal Certificate (M.L.C) injury was found on right hand. The discrepancies so pointed out by learned trial court in the impugned judgment supports the acquittal of the respondents. This court cannot interfere in the findings of acquittal recorded by trial court unless perusal of record shows that same suffers from non-reading and misreading; but in the present case no exception can be taken to the findings taken by learned trial court. Accordingly instant Criminal Acquittal Appeal fails and is accordingly dismissed.

JUDGE

Saleem