

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Acq. Appeal No. S- 107 of 2016

DATED **ORDER WITH SIGNATURE OF JUDGE**

23.01.2018

For katcha peshi

Mr. Ashfaq Ali Khaskheli, advocate for appellant
Mr. Fakhurdin Dahraj, advocate for respondent No.1
Mr. Shahid Ahmed Shaikh, D.P.G.

OMAR SIAL, J.- The appellant has impugned the judgment dated 3.6.2016 passed by learned Civil Judge & Judicial Magistrate-I, Hyderabad in Cr. Case No. 371 of 2015. In terms of the said judgment, the respondent No.1 was acquitted of a charge under Section 337-F(i), 337-L(ii) PPC in Crime No. 100 of 2013.

I have heard the learned counsel for the appellant as well as learned counsel for respondent No.1 and learned D.P.G. and have also gone through the record with their able assistance. My observations are as follows:

Learned counsel for the appellant has argued this acquittal appeal on the main ground that he was not present at the time of final arguments even though he had been given permission to assist the State Counsel; that the learned trial Judge has on page 03 of the impugned judgment referred to the complainant (who is a female) as a male; that the counsel contentions were not recorded by the learned trial court in verbatim; that the case law as cited by the counsel were not discussed by the learned trial Judge.

Learned counsel for the appellant has been unable to point out any jurisdictional issues, non-reading or misreading of evidence neither has he pointed out any illegality or infirmity in the impugned judgment nor has he satisfied the court that the judgment is capricious or arbitrary. The grounds that he has raised in this appeal which are recorded above do not merit any interference from this Court when otherwise also there is a double presumption of innocence working in favour of the respondents. Accordingly, this appeal is dismissed.

JUDGE

karar_hussain /PS*