

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr Acq. Appeal No. D — 28 of 2019.

DATE

ORDER WITH SIGNATURE OF JUDGE

26.02.2019.

FOR HEARING OF MAIN CASE.

None present for the appellant / complainant.

Ms Rameshan Oad, Asstt. P.G. Sindh for the State.

By means of this criminal acquittal appeal appellant / complainant has challenged the acquittal of accused namely Mumtaz Ali, Hammad Tabasum and Jeevan alias Baboo, the respondents herein recorded vide impugned judgment convicting co-accused namely Sajjad alias Mitho in crime No.10 of 2017 for offences, inter-alia, under section 324 PPC and crime No.11 of 2017 of Police Station Jhuto under section 23(1)(a) of Sindh Arms Act against which he has filed two appeals viz. appeal No.D-83 of 2018 and appeal No.D-84 of 2018 which are also fixed today along with instant appeal.

Today counsel for the complainant has chosen to remain absent without intimation although on the last date of hearing this case was adjourned for today in his presence. However, with the assistance of learned A.P.G. we have gone through the material available on record.

Learned A.P.G. does not support this acquittal appeal and submits that although the names of the respondents are mentioned in the FIR but no specific role has been assigned to them except that they had demanded 'Bhatta' from the complainant and had fired in the air whereas main role has been attributed to convicted accused; that in the investigation no incriminating article was

recovered from them nor recovery of alleged weapons were affected from them either.

After perusing the impugned judgment we have no reason to disagree with learned Assistant Prosecutor General as learned trial Court has exhaustively appreciated the evidence of the complainant and eye witnesses qua the role alleged against the respondents and while pointing out to various discrepancies therein has doubted their presence at the spot which appears to be further fortified from no recovery of any incriminating articles from them.

In the circumstances we find no merit in this acquittal appeal to bring it on regular file and accordingly dismiss it.

JUDGE

JUDGE

A.