

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Acquittal Appeal No.D-06 of 2017

Before:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Irshad Ali Shah

Appellant: Riaz Ahmed son of Haji Nazar Muhammad Khokhar,
through Mr.Ahsan Ahmed Qureshi, Advocate

Respondents: Haji Manzoor Ahmed, 2.Khadim Hussain, 3. Allah
Wassayo, 4.Muhammad Chuttal and 5.Amjad Ali,
through Mr.Mazhar Ali Bhutto, Advocate

State: Mr.Khadim Hussain Khooharo
Addl.Prosecutor General

Date of hearing: 26.02.2018.

Date of judgment: 26.02.2018.

JUDGMENT

IRSHAD ALI SHAH, J.- The instant acquittal appeal is directed against judgment dated 13.02.2017 of learned A.T.A Judge, Larkana, whereby he has acquitted the private respondents/accused of the charge punishable u/s 386, 506/2, 34 PPC r/w Section 7 (h) of A.T.A Act, 1997.

The facts in brief necessary for disposal of instant appeal are that the appellant/complainant filed a direct complaint before learned ATA Judge Larkana stating therein that the private respondents/accused had been demanding from him "Bhatta". On 28.12.2016, when he and his witnesses went at their landed property, there the private respondents/accused came on

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their motorcycle. They in order to create harassment made aerial firing and then demanded from him "Bhatta" of rupees Five Lacs with a threat to be killed in case it is not paid to them. The direct complaint so filed by the appellant/complainant was brought on record by learned A.T.A Judge Larkana. The private respondents/accused put their appearance. They were charged. They denied the charge and appellant/complainant to prove it examined himself and his witness Niaz Ahmed and then closed the side.

The private respondents/accused in their statements recorded u/s.342 Cr.PC denied the allegations by pleading their innocence. They examined none in their defense or themselves on oath.

On evaluation of evidence, the learned A.T.A Judge Larkana acquitted the private respondents/accused of the charge vide his judgment dated 13.02.2017, which the appellant/complainant has impugned before this Court by way of instant acquittal appeal.


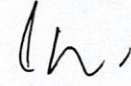
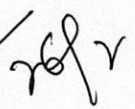
We have heard learned counsel for the parties.

No "Bhatta" was paid by the appellant/complainant to the private respondents/accused. The firing was aerial one. Prior to the filing of instant direct complaint, the appellant/complainant also filed a complaint under provision of Illegal Dispossession Act against the private respondents/accused. It was dismissed by the competent Court of law. The appellant/complainant and PW Niaz Ahmed are brother inter-se. They were having reason to support their case with a view to put the private

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respondents/accused under pressure as they may settle with them the dispute over the landed property. In that context, the learned trial Court with very cogent reasons has recorded the acquittal of the private respondents/accused of the charge by extending them benefit of doubt by way of impugned judgment, which is not calling for any interference by this Court by way of instant acquittal appeal, it is dismissed.


JUDGE
26-2-2018

JUDGE


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