

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Acq. Appeal No.74 of 2022.

Date: Order with signature(s) of the Judge(s)

Hg. of Case.

1. For Orders on MA No.2070/2022.
2. For Hearing of Main Case.

21st February, 2022.

Appellant present in person.

Heard appellant in person. Being relevant Para of trial court's order is that:

"Not only this, it is the matter of record that the FIR was lodged with a delay of almost 5 months but complainant did not explain the same and only stated that he tried to approach PS but he could not clarify as to when he approached PS and they refused. Such delay has paved a way of doubt, afterthoughts and concoction. Regarding the same, reliance is placed upon the following case laws:

"Delay of 5 hours in lodging of FIR [PLD 1994 FSC 34] delay of 24 hours, [1987 Law Notes 824; 1987 P.Cr.L.J. 1846] delay of 27 hours, [1989 P.Cr.L.J 1941, 706(2)] or 40 hours, [1787 MLD 130] if not satisfactory explained, has been considered sufficient to make dent in prosecution case".

The principle of gleaned from above case laws is that that once the delay in lodging of FIR if not satisfactorily explained, shall go against the prosecution case and will certainly creates a dent in it.

Moreover, complainant stated that he was beaten by the brother of accused namely Bilal but it is matter of record that complainant/alleged victim did not approach any hospital for his medical treatment nor had any medico legal certificate been obtained. Thus the very stance of complainant has not corroborated any piece of evidence, on the other hand investigation officer SIP Muhammad Hussain Ghori stated that neither was the MLC produced nor had complainant produced any receipts of the transaction/articles before him to corroborate his version to prove the case. Keeping in view the evidence of

prosecution as well as the rulings of Honorable Supreme courts Point No.1 as NOT PROVED'.

Since this is acquittal appeal and appellant seeks reversal of acquittal whereas, reasons assigned by the learned trial court in impugned judgment are cogent and this is not a case to be termed the impugned judgment as shocking, perverse and illegal, hence, instant Cr. Acquittal Appeal is dismissed.

JUDGE

M.Zeeshan