

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

Criminal Acquittal Appeal No.S-21 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For orders on M.A. No.1376/2021.
	3. For hearing of main case.

**15.04.2022**

Mr. Imam Ali Chang, Advocate for the appellant/complainant.

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The facts in brief necessary for disposal of instant acquittal appeal are that the private respondents in furtherance of their common intention caused hatchet and lathi blows to PW Qadir Bux with intention to commit his murder and then went away by maltreating PW Aijaz and insulting the appellant, for that the present case was registered. After due trial, the private respondents were acquitted by learned Additional Sessions Judge-II Tando Muhammad Khan vide judgment dated 16.01.2021 which is impugned by the appellant before this Court by preferring the instant acquittal appeal.

It is contended by learned counsel for the appellant that learned Trial Court has recorded acquittal of the private respondents on the basis of improper assessment of the evidence; therefore, such acquittal is liable to be examined by this Court.

Heard arguments and perused the record.

Initially the incident was recorded in *Roznamcha* under entry No.22/ dated 06.04.2020, it does not contain name any of the accused involved in the incident. The names of the private respondents were disclosed by the complainant subsequently by lodging his formal F.I.R on the next day of the

incident, such disclosure obviously is based on deliberation and consultation, which has made involvement of the private respondents in incident to be doubtful. The parties are already disputed over landed property. In these circumstances, learned trial Court was right to record acquittal of the private respondents which is not found arbitrary or cursory to be interfered with by this Court.

In case of *State and others vs. Abdul Khaliq and others (PLD 2011 SC-554)*, it has been observed by the Hon'ble Apex Court that;

*“The scope of interference in appeal against acquittal is most narrow and limited, because in an acquittal the presumption of innocence is significantly added to the cardinal rule of criminal jurisprudence, that an accused shall be presumed to be innocent until proved guilty; in other words, the presumption of innocence is doubled. The courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, suffering from the errors of grave misreading or non-reading of the evidence; such judgments should not be lightly interfered and heavy burden lies on the prosecution to rebut the presumption of innocence which the accused has earned and attained on account of his acquittal. Interference in a judgment of acquittal is rare and the prosecution must show that there are glaring errors of law and fact committed by the Court in arriving at the decision, which would result into grave miscarriage of justice; the acquittal judgment is perfunctory or wholly artificial or a shocking conclusion has been drawn. Judgment of acquittal should not be interjected until the findings are perverse, arbitrary, foolish, artificial, speculative and ridiculous. The Court of appeal should not interfere simply for the reason that on the reappraisal of the evidence a different conclusion could possibly be arrived at, the factual conclusions should not be upset, except when palpably perverse, suffering from serious and material factual infirmities”.*

In view of the facts and reasons discussed above, instant criminal acquittal appeal is dismissed in *limine*, together with listed application.

**JUDGE**