

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**CR. ACQ. APPEAL NO.685/2021**

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Date

Order with signature of Judge  
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**03.03.2022**

Mr. Samiullah Soomro advocate  
Mr. Talib Ali Memon, APG.

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Heard and perused record.

2. It would be conducive to refer paragraphs NO.12, 13 and 14 of the impugned judgment as under:-

“12. It is would be advantageous to appreciate evidence of prosecution case so adduced on record. In evidence, Complainant Javed has failed to disclose date and time occurrence. He also failed to depose manner of incident and specifically described theft articles as he narrated in the FIR and statement U/s. 161 Cr. P.C before investigation officer. As per Complainant version, an agreement for sale of a building achieved between him and accused Muhammad Javed, subsequently accused Muhammad Javed has failed in payment, hence the agreement/deal was cancelled, thereafter accused persons have forcibly occupied the shop. In this regard, Complainant neither produced agreement of sale arrived between the parties and payment receipts, even title documents of the alleged shop which was illegally occupied by the accused persons. Complainant as well as investigation officer has failed to produce broken locks before the Court.

13. PW Kamran has recorded evidence at Ex-06, wherein he deposed in the night time he was on the way to house, when reached at Street No.4, near Clinic Nazroo, he saw accused Javed, Anwar Taj and 3 other persons were broken locks of Complainant house, whereas Complainant alleged that accused were illegally occupied the shop situated in the building. It is pertinent to mention the Complainant was residing adjacent to PW Kamran house, but he did not bother to inform this incident at same time, even narrated he informed the same to Complainant lateron. However, the place of occurrence was residential area but no one was attracted to this incident. Moreover, this witness admitted address mentioned in the CNIC of PW Kamran and place of occurrence was showing different area.

14. Investigation officer PI liaquat Ali Jat has examined by the prosecution at Ex-05. In evidence he admitted the agreement achieved between parties and payment receipts and title documents of the dispute shop were not collected by him during the course of investigation. He further failed to collect title documents of the theft articles from Complainant. He failed to collect broken locks of the shop from place of occurrence. He failed to collect any material evidence which support complainant version independently.”

Needless to say that this is not a case of reversal of the findings of acquittal into conviction as the impugned judgment is not falling within the term shocking, perverse and illegal. Dismissed.

**J U D G E**

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