



place of incident or accused. He stated that accused Yasir and he had fight, in which accused Yasir was having Arree blade in his hand with which he attacked upon him due to which he sustained injuries at his hand and his foot. This stance/statement was not corroborated by any of the witnesses as none stated so. Neither any medico legal certificate nor memo of injuries was produced to prove that he received any injury. During his cross-examination he admitted such fact that **"It is correct to suggest that I have not produced my any medical record regarding my injury. It is correct to suggest that I have not produced medical record of any hospital where I was provided treatment"**. Therefore, claim of PW-08 regarding alleged injuries was unfounded.

15. PW-09, Muhammad Imran was examined at Ex-11. He deposed that **"The incident took place on 10.11.2018 after Maghrib prayer time. I went to offer Maghrib prayer at Ilahi Masjid. After completion of Maghrib Namaz, we heard noise of stone pelting. I saw that 30/40 people were entering into Masjid by climbing over the wall, on which we Namazi went to see from where stone pelting noise was coming. All accused entered into the masjid and pelted stones. They caught hold and beaten me. One another boy Usman was with me; he was also beaten by accused. We received injuries. Afterward we were taken to hospital situated at Korangi No. 05 for treatment but accused persons were already present there and interovened there, therefore we were not provided treatment and police took us back to masjid"**. He had contradicted all PWs discussed above. He stated that they caught hold him and beaten him but he failed to state name of any person. He did not assign specific role to any accused. He stated that he and Usman received 'injuries' meaning thereby more than one injury. He did not state specific body parts at which they received injuries. Furthermore, PW-1, MLO Dr Ejaz examined at Ex-3 deposed that MLO Dr Ejaz Ahmed on 10.11.2018 one injured namely Muhammad Imran S/O Muhammad Usman aged about 22 years came along with police letter of P.S Zaman Town with history of assault. He examined the injured 12:30 AM on 11.11.2018, his general condition was conscious and he found **one injury as" diffuse swelling over right foot dorsam with difficulty in walking"**. He issued provisional MLC bearing number 12212/2018 and declared weapon as hard and blunt and injury was reserved for X-ray report. He received X-ray report and issued final MLC and per radiologist report there was no fracture seen in the right foot, therefore he declared injury as other hurt 337-L(ii) PPC. **Undoubtedly, he did not produce the X-ray findings or radiologist report on the basis of which he issued final MLC.** Also, the stamp of injuries on the person of injured was not a yardstick to determine truthfulness or falsehood of injured complainant. Moreover, in the case of Muhammad Aslam v. Sabir Hussain and others reported as **2009 SCMR 985**, held by the Honourable apex Court that **"medical evidence was only corroborative and it could not be a substitute for ocular account. It could only furnish details of the injuries sustained by a person living or dead, kind of weapon used in the occurrence, but same could not identify the culprits. The medical evidence in the peculiar circumstances of the case, it cannot lend any support to the prosecution case especially when the prosecution has failed to prove its allegations against the accused through trustworthy ocular account"**.

Perusal of above in juxtaposition with pleas raised by learned counsel for the appellant reflects that there is contradiction in evidence even injured persons have failed to specify injuries caused by them. Hence, this is not a case to reverse the findings of acquittal into

conviction. Learned counsel for the appellant has failed to point out any illegality and irregularity committed by the trial Court, in absence whereof an appeal against acquittal cannot sustain *even*. Accordingly, instant appeal being devoid of merits is dismissed.

J U D G E

SAJID