

IN THE HIGH COURT OF SINDH AT KARACHI*Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J*

Criminal Acq. Appeal No. 97 of 2020
Mst. Bibi Zahida v. Mst. Haneefa Bibi & another

Mr. Shamsul Hadi, Advocate for appellant.
Mr. Abrar Ali Khichi, DPG.

Date of hearing : 2nd February, 2021

Date of order : 2nd February, 2021

ORDER

Omar Sial, J: Bibi Zahida has impugned a judgment dated 2-1-2020 passed by the learned 1st Additional District and Sessions Judge, Malir, Karachi. In terms of the said judgment the learned trial court had acquitted Haneefa Bibi (the respondent herein) in a case arising out of F.I.R. No. 3 of 2019 registered under sections 302, 109 and 34 P.P.C. at the Quaidabad police station in Karachi.

2. A brief background to the case is that Bibi Zahida lodged the aforementioned F.I.R. narrating therein that her husband indulges in spiritual practices and had taken Haneefa as his second wife about 2 years ago and since his marriage had deserted Zahida and his children lived with Haneefa. On 1.1.2019 Zahida was informed that her husband had been murdered. Zahida suspected that Haneefa and her 2 sons from a previous marriage, namely Adnan and Ghufran were the murderers. Haneefa was acquitted under section 265-K Cr.P.C. at the beginning of the trial as the learned trial court was of the opinion that after examining the relevant evidence, it was of the view that a charge under section 109 P.P.C. was not being made out against the respondent.

3. At the outset we asked the learned counsel to point out to us the defect in the impugned order which he was aggrieved with. Learned counsel submitted that his grievance was that though a charge under section 109 P.P.C. had been leveled against Haneefa, the learned trial court had still acquitted her. We do not find that the ground, arbitrary and without force, raised by the learned counsel merits any interference with the impugned order.

4. The learned trial court has given cogent reasons for its order. The learned counsel has neither argued nor raised any mis-reading, non-reading or jurisdictional issues in the impugned order. Further, the order is not capricious, arbitrary or perverse. Accordingly, the appeal stands dismissed.

JUDGE

CHIEF JUSTICE