

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

Criminal Acq. Appeal No. 311 of 2020

Appellant : Nazir Hussain  
through Syed Amir Ali Shah, Advocate

Respondents : The State & others  
through Mr. Abrar Ali Khichi, Addl.P.G.

**ORDER**

Omar Sial, J: The instant Criminal Acquittal Appeal impugns the judgment dated 11.4.2020 rendered by the learned Ist. Additional Sessions Judge, Malir in S.C. No.304 of 2018 arising out of Crime No.116 of 2017 under section 302 and 34 PPC registered with P.S. Ibrahim Hydri.

2. A brief background to the case is that the aforementioned F.I.R. was lodged on 14-7-2017 by Nazir Hussain stating therein that his brother Jameel Ahmed works in Saylani Centre for supply of meal. On 19-4-2017 Usman and others threatened his brother to give them token, his brother refused to do so. While his brother was going in a rickshaw, Usman, Saleem, Siddique, Rafiq and Syed Hussain got down him from rickshaw and maltreated and injured him, who subsequently succumbed to his injuries on 2-5-2017.

3. Learned counsel for the appellant contends that the impugned judgment is based on misreading and non-reading of evidence, besides while passing the same the learned trial court did not take into consideration various aspects of the prosecution case particularly the deposition of PW-2. Further contends that the deposition of PW-1 (Nazir Hussain), who was eye witness of the incident was not taken into consideration while delivering the aforesaid impugned judgment.

4. Heard learned counsel for the appellant and with his able assistance scanned the entire evidence.

5. It seems that the impugned judgment has been passed within the four corners of law. Besides, during the course of arguments, learned counsel for the appellant could not pinpoint that the impugned judgment is based on misreading and non-reading of evidence or is capricious, fanciful or contrary to the material produced before the trial court.

6. In the wake of above, we do not find any force in the appeal, which is accordingly dismissed alongwith the listed application.

JUDGE

CHIEF JUSTICE