

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Acq. Appeal No.125 of 2020

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Date:           Order with signature(s) of the Judge(s)  
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For Hearing of Main Case.

18<sup>th</sup> October, 2022.

Mr. AmerWaseer advocate for the appellant.  
Mr. SaadFayyaz advocate for respondent No.3.  
Mr. Zahoor Shah, Addl. P.G. Sindh.

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Heard learned counsel for the appellant. Learned counsel for the appellant intends to place some photographs, which admittedly were not produced before the trial court. According to learned counsel for the appellant CCTV USB was given to trial Judge but the same was not flashed on T.V in court proceedings, however, learned Judge observed that he will examine the same in Chamber. According to learned counsel this was the clear case of threats and dire consequences against the employer by one employee and one ex-employee.

2. In contra learned counsel for respondent No.3 as well as learned Addl. P.G. Sindh contends that impugned judgment is in accordance with law.

3. I have examined the judgment of the trial court. Case of the prosecution is that two persons riding on motor bike entered in the metro shop without permission and investigation officer at that time also entered in the metro shop and barrier was opened for him thereafter they issued threats the security officer available at the site.

4. Being relevant para-2 of impugned judgment available at page-33 of court file is reproduced as under:

*“Now, there remains only section 506-B PPC in the charge. As far as allegation regarding 506-B PPC is concerned. I have examined entire evidence and it is obvious that no evidence can be brought on*

*record to believe that the accused have threatened the complainant in a manner to attract the criminal folly culpable under section 506-B PPC. No doubt the complainant leveled such allegations but no corroborated piece of evidence is brought on record in this respect. The prosecution did not bother to collect some independent evidence regarding this aspect. The prosecution did not examine the neighbor or even a passer-by for fortify the case of complainant. Besides, it has come on record that both the accused were employees at Metro Habib Cash and Carry and they had filed petition before National Industrial Relations Commission, Karachi Bench with prayer that no any adverse action against the employment of the petitioners on the basis of show cause notice issued by authorities of Metro Habib Cash and Carry may be taken and such prayer was allowed in their favor by the N.I.R.C vide order dated 15.05.2017 and the instant FIR has been lodged on 28.05.2018 but unfortunately the compliance of order dated 15.05.2017 of N.I.R.C was not made, which shows that internal dispute already pending between the authorities and employees of Metro Habib Cash & Carry.*

*The court after marshaling the evidence on record came to the conclusion that there are serious infirmities in the prosecution's story and this court virtually left with no choice but to give benefit of doubt to the accused according to the settled principles of criminal jurisprudence".*

5. Perusal of above, admittedly, there was dispute between employer and employee, entering of respondent in the Metro Shop during business hours may be with the intention of humiliation or threats; that plea of the applicant was not supported by any independent person, therefore, there is no independent corroboration is available in the present case. It is well-settled principle of *Criminal Administration of Justice* that '*in Criminal trial every person is innocent unless proven guilty and upon acquittal by a competent jurisdiction such presumption doubles*'. Such earned double presumption of *innocence* would not be disturbed unless and until it is established that impugned judgment was *prima facie* shocking, perverse and illegal thereby resulting into grave miscarriage of justice. In the instant case, learned counsel for the appellant has failed to point out any material to connect the respondents with the case to whom learned trial court extended the benefit of doubt and apparently this was not the case of false implication, hence, instant Cr. Acquittal Appeal is dismissed.

JUDGE