

**JUDGMENT SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Acquittal Appeal No.S-254 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objections.
2. For orders on MA-11365/2022
3. For hearing of main case.

10.11.2022.

Mr. Pervaiz Tariq Tagar, Advocate for appellant.

**JUDGMENT**

**Muhammad Saleem Jessar, J.-** Heard learned Counsel for appellant and have gone through the impugned judgment as well evidence adduced by the prosecution witnesses before the trial Court. Apparently, the offence for which the respondents were charged is punishable under Section 506/2-cum-504, 34 PPC. The basic ingredients for establishing an offence under Section 506/2 PPC are lacking in this case. The bare reading of Section 506/2 PPC reveals that if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or to impute unchastity to a woman. However, in the instant case all these factors are missing; and that no evidence is available nor even under the FIR such facts were narrated. Moreover, after having assessed the evidence whatever was brought before the Court was not proved by the prosecution; therefore, does not inspire confidence; hence, no illegality and infirmity has been committed by learned trial Court in the impugned judgment while acquitting the respondents, which may warrant interference by this Court.

2. It is also settled principal of law that after getting acquittal, the accused always earns double presumption of his innocence and Superior Courts have avoided to interfere with such acquittal judgments. There is no cavil with the legal proposition that an acquittal appeal stands on a different footings than an appeal against conviction. In acquittal appeal, the Superior Courts generally do not interfere with unless they find that miscarriage of justice has taken place. The factum that there can be a contrary view on re-appraisal of the evidence by the Court hearing acquittal appeal simpliciter would not be sufficient to interfere with acquittal judgment. Reliance can be placed upon case of

**MUHAMMAD ASGHAR and another v. The STATE (PLD 1994 Supreme Court 301).**

3. In view of above legal position, it appears that instant appeal against acquittal has wrongly been filed, even the basic ingredients for initiating appeal against acquittal, as laid down by the Honourable Supreme Court of Pakistan in the case of **GHULAM SIKANDAR and another v. MUMARAZ KHAN and others (PLD 1985 Supreme Court 11)**, are also lacking in this case. The impugned judgment does not suffer from any illegality or infirmity which may warrant interference by this Court. Accordingly, instant appeal against acquittal is dismissed in *limini* alongwith pending application.

JUDGE

Shahid