

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**Cr.Acq. Appeal No. 56 of 2021**

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Date	Order with signature of Judges
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1.For orders on M.A. No.970/2021.

2.For hearing of main case.

**30.01.2023.**

None present for the Appellant.  
Ms. Seema Zaidi, Addl. P.G., Sindh.  
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**ARSHAD HUSSAIN KHAN, J.** Through this Cr. Acquittal Appeal, the Appellant has called in question the order dated 04.01.2021 passed by the Additional Sessions Judge-Xth, Karachi-West in Sessions Case No.1987 of 2020 whereby the respondent No.2 was acquitted from the charge under Section 265-K Cr.P.C.

Briefly, the facts giving rise to the present Appeal are that on 17.08.2020 Appellant / complainant lodged FIR No.274 of 2020, under Section 496A PPC, registered at P.S. Ittehad Town, Karachi. In the FIR it was alleged that when the appellant / complainant was at work his wife Shreen Bibi went on missing and he searched her but nothing was known about her whereabouts. When he reached in the house he found that Rs.3000/-, 3 tolas of gold and one mobile phone were also missing and cell number of his wife bearing No.0308-7679990 was also switched off. Thereafter, instant FIR was lodged against the unknown person.

From the record it appears that after usual investigation the I.O. P.I. Muhammad Rasheed submitted the charge sheet against the respondent No.2/Muhammad Iftikhar before the concerned Court. Subsequently, the investigation transferred to Investigating Officer SIP Nazeer Ahmed, who after thorough investigation submitted report with the recommendation to accept the report in 'B' Class.

As per the subsequent investigation carried out by the second I.O. no such incident as alleged had taken place with the complainant and his alleged wife and a false case was hatched based on false story against the respondent No.2 / accused. Report of the second I.O. speaks about several lacunas in the case of the prosecution / complainant and according to such report the location of the alleged abductee was of Gulshan-e-Ghazi on 07.08.2020 when the alleged offence had been shown to have taken place. As per CDR record of the I.O. respondent No.2 / accused was even not present in Karachi

on the alleged date of offence and he had never come to Karachi and his mobile location as per CDR record was in his home town village 117-B-D, Tail wala Bangla, Bhawalpur, Punjab. On reaching the conclusion that there was no case against the respondent No.2 / accused and the trial against him shall result in no conviction rather the same would be a punishment against an innocent person, the learned Trial Court while exercising its power under Section 265-K Cr.P.C acquitted the respondent No.2 / accused from the charge. The appellant assailed the said acquittal order in the present appeal.

After filing of the instant appeal none has shown appearance on behalf of the appellant. On the other hand, learned Addl. P.G. while supporting the impugned order also seeks dismissal of the present Acquittal Appeal.

I have gone through the impugned order and the material available on the record with the assistance of the learned Addl. P.G. Sindh, which reveals that there is no legal infirmity in respect of the impugned order. Even otherwise, it is observed here that the instant appeal has been filed against acquittal order and it is cardinal principle of criminal jurisprudence that an accused, who has been acquitted of the charge is credited with two advantages, one; the innocence available to him at the pre-trial stage and the other which is earned by him on the basis of the acquittal order passed by the Court of competent jurisdiction and acquittal order can only be interfered with when the same is found perverse, arbitrary, unreasonable, ridiculous, based on misreading of material evidence, or based on surmises unwarranted under law, but in the instant case no such eventuality is found available. Reference may be made to a case reported as *Waseem Hussain and 2 others v. Muhammad Rafique and another* [2017 SCR 428].

In the circumstances, this Appeal having no merits is dismissed in limine.

JUDGE