

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**CrI. Acquittal Appeal No. S-138 of 2023**  
*(Abdul Ghaffar Bhatti Vs. The State & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on CMA No. 7633/2023 (U/A)
2. For Orders on office objection.
3. For Orders on CMA No. 7634/2023 (Ex./A)
4. For hearing of main case.

**18-12-2023.**

Appellant Abdul Ghaffar in person.

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1. Granted.
2. Over ruled.
3. Granted.
4. It is alleged by the appellant that his wife Mst. Parveen has been taken away by Abdul Malik with help of others together with gold ornaments and others belongings and then has married her during existence of his Nikah with her. By making such allegation, he lodged FIR of the such incident. The private respondents joined the trial and on conclusion whereof they were acquitted by learned Ist Civil Judge & Judicial Magistrate Ghotki vide judgment dated 15-11-2023, which is impugned by the appellant before this Court by preferring the instant CrI. Acquittal Appea.

It is contended by the appellant learned trial Magistrate has recorded acquittal of the private respondents without lawful justification, which is to be examined by this Court.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about 02 months; that too after having recourse u/s 22 A/B Cr.P.C. Nothing has been brought on record by the applicant to prove ownership over the ornaments allegedly taken away from his house by the private

respondents. Mst. Parveen during course of her examination stated that she married Abdul Malik after having been divorced by the appellant; her such plea having been accepted by learned trial Court. No illegality is noticed in the impugned judgment, which may justify this Court to make interference with the same.

In case of *State and others vs. Abdul Khaliq and others* (PLD 2011 SC-554), it has been held by the Apex Court that;

*“The scope of interference in appeal against acquittal is most narrow and limited, because in an acquittal the presumption of innocence is significantly added to the cardinal rule of criminal jurisprudence, that an accused shall be presumed to be innocent until proved guilty; in other words, the presumption of innocence is doubled. The courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, suffering from the errors of grave misreading or non-reading of the evidence; such judgments should not be lightly interfered and heavy burden lies on the prosecution to rebut the presumption of innocence which the accused has earned and attained on account of his acquittal. Interference in a judgment of acquittal is rare and the prosecution must show that there are glaring errors of law and fact committed by the Court in arriving at the decision, which would result into grave miscarriage of justice; the acquittal judgment is perfunctory or wholly artificial or a shocking conclusion has been drawn. Judgment of acquittal should not be interjected until the findings are perverse, arbitrary, foolish, artificial, speculative and ridiculous. The Court of appeal should not interfere simply for the reason that on the reappraisal of the evidence a different conclusion could possibly be arrived at, the factual conclusions should not be upset, except when palpably perverse, suffering from serious and material factual infirmities”.*

In view of above, instant criminal acquittal appeal fails and it is dismissed in limine.

JUDGE

Nasim/P.A