

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Acquittal Appeal No. S – 06 of 2022

(Rafique Ahmed Mahar vs. The State & another)

Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

Date of hearing & Decision : 07.05.2024

Mr. Ghulam Ali Bozdar associate of Mr. Achar Khan Gabol,
Advocate for Appellant
Syed Sardar Ali Shah Rizvi, Additional PG for the State

ORDER

Muhammad Iqbal Kalhoro, J;- This acquittal appeal has been filed against an acquittal order u/s 249-A CrPC dated 22.12.2021 by Civil Judge & Judicial Magistrate/Consumer Protection Court, Sukkur in a Criminal Case No.278/2021 emanating from Crime No.30 of 2021 under Section 506/2 and 342 PPC, alleging that on 17.03.2021, when complainant was present at his Estate Agency, accused came and threatened him by pointing TT Pistols to him. The trial Court did not consider evidence of witnesses in true perspective and acquitted the accused.

2. I have heard learned counsel for appellant and learned Additional PG for the State, who has supported the impugned order. Reasons in favour of regarding acquittal of respondent No.2 are set out in para-9. I do not find any illegality or perversity in them which duly support findings of acquittal. It appears that the case was initially disposed of under 'C' class, yet the Magistrate took cognizance of the offence and held the trial. Complainant then

had appeared in Court and recorded no objection to acquittal of one of the accused Muhammad Nauman. It is also observed in the impugned order that the complainant has been changing his version qua the incident.

3. In view of such facts and circumstances, it has been rightly observed in the impugned order that there is no probability of the accused being convicted and sentence in the same offence. As a result of above, this appeal is found meritless and is dismissed and disposed of accordingly.

Judge

ARBROHI