

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
Cr. Acq. Appeal No. S- 162 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
01.02.2016	

For Katcha Peshi

Syed Shafiq Ahmed Shah, Advocate holding brief for Mr. Jehangir Khan Pathan,
Advocate for appellant

Miss. Humaira Shaikh, Advocate for Respondents

Mr. Shahzado Saleem Nahiyoon, A.P.G.

Applicant is complainant of Crime No. 94 of 2009 registered at Police Station GOR Hyderabad under Section 506(2) and 392 PPC against the respondent. After due investigation, the case was challaned and tried by learned Civil Judge and Judicial Magistrate-IX, Hyderabad, who vide judgment dated 3.12.2014 acquitted the respondent. The applicant has called in question the said judgment in the instant Acquittal Appeal.

With the assistance of learned counsel for respondent and learned APG, I have gone through the entire material available on record. It shows that the parties are known to each other on some business transaction a dispute is going on between them. In evidence the complainant has admitted registering six FIRs against the respondent, and the fact that in all the six cases, either the respondent was acquitted by the trial court or was released by the I.O for want of evidence. The present case was also disposed of by the I.O in “B” class but the report under Section 173 Cr.P.C. in this regard was not accepted by the learned Magistrate and he took cognizance of the offence. A perusal of evidence indicates that the allegations levelled by the complainant have not been established by him. Learned trial court has found that the story narrated by the complainant in the FIR is quite different to one mentioned by him in his application

under Section 22-A&B Cr.P.C. Learned Trial Court has also noted that during evidence the applicant and his witnesses have made certain improvements, which have rendered the entire case doubtful. Learned APG has also supported the impugned judgment. He has stated that the parties are at odds with each other on account of some money dispute and the applicant has been found registering false cases against the respondent. I have seen the impugned judgment which is well reasoned and the learned Trial Court has acquitted the accused after discussing the entire evidence produced by the prosecution. No case for interference is made out.

This Acquittal Appeal is therefore dismissed.

JUDGE

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