

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Acquittal Appeal No.D-35 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

23.05.2023

Mr. Taj Muhammad Memon advocate for appellent.

Learned counsel has impugned judgment dated 08.09.2022 in Sessions Case No.192/2020 whereby respondent has been acquitted in Crime No.62/2020 registered u/s 302, 337-J, 109, 34 PPC and co-accused have been convicted u/s 302(b) PPC for life imprisonment. The allegations against the co-accused, who are step mother and closely related to the complainant, are that they had given poisonous sweet to mother of the complainant and his sister Khalidaas a result of which they both died. The charge against respondent was that he had brought sweet from the shop. However, that allegation against respondent rests on hearsay evidence that is: the co-accused had disclosed that he had purchased sweet from the sweet shop. There is no direct evidence against him however in this regard. Moreso, it is not even the case of the prosecution that poison was mixed in the sweet by the respondent.

We have seen impugned judgment. In point No.4 para No.53 learned trial court has discussed role of the respondent and the fact that even the shopkeeper of sweet shop was not able to recognize the respondent to have purchased the sweet from him. Therefore, no case for indulgence is made out. Even otherwise, after acquittal double presumption of innocence runs in favour of accused which can only be dislodged on the basis of strong evidence which in this case as far as the case of respondent is concerned appears to be lacking. Accordingly, the appeal is dismissed.

JUDGE

JUDGE