

**ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Criminal Acquittal Appeal No.D-21 of 2024 (New)

Criminal Acquittal Appeal No.D-22 of 2023 (Old)

DATE ORDER WITH SIGNATURE OF JUDGE

Before:

Mr. Justice Amjad Ali Sahito.
Mr. Justice Jan Ali Junejo.

1. For order on office objection.
2. For hearing of main case.

18.08.2025

Mr. Shahzado Saleem, Additional P.G for the appellant.

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Amjad Ali Sahito, J. Through this Criminal Acquittal Appeal, the appellant has impugned the judgment dated 09.02.2023 passed by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas in Special Case No.53/2022 wherein after full-fledged trial, the learned trial Court acquitted the respondents/accused persons. Being aggrieved from the Judgment of court below the appellant has filed instant application.

2. It is pertinent to note that the complainant, SIP Manomal, in his examination-in-chief, did not depose with regard to the date, month, year, or even the specific time of the alleged arrest of the accused and the recovery of charas and heroin. He further failed to depose a single word concerning the sealing of the recovered property at the spot. It is also noteworthy that the complainant and the eyewitness-cum-mashir, P.C. Sikander [Ex.6], contradicted each other and, in fact, negated the version of the complainant on almost all material aspects of the case.

3. Moreover, the learned trial Court examined WHC Ali Hassan, who admitted that the case property was neither kept in the *malkhana* nor entered in Book No.19. He also did not disclose as to whom the property was handed over for Chemical Examination, nor did he produce any entry to establish the safe custody of the property and its safe transmission to the office of the Chemical Examiner, and its subsequent delivery to the Investigating Officer.

4. We have carefully perused the impugned judgment rendered by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas, which does not reflect any illegality or material irregularity. Accordingly, the instant Criminal Acquittal Appeal stands dismissed in limine.

JUDGE

JUDGE

Adnan Ashraf Nizamani