

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acquittal Appeal No.133 of 2026

Appellant : Hilal Ahmed son of Afzal Ahmed (Late)  
in person

Respondents : Nemo

Date of hearing : 20.02.2026

Date of order : 20.02.2026

### ORDER

**TASNEEM SULTANA, J.**— Through the instant Criminal Acquittal Appeal, the appellant has assailed the judgment dated 20-12-2025 passed by the learned Civil Judge & Judicial Magistrate -XIII (Model Trial Criminal Court-I), Karachi, East, whereby respondents/accused namely Syed Imran Wali, Syed Asghar, Kamran, Rizwan, Abdul Rehman, Muhammad Ali, Rashid, Mst. Rizwana Rehman, Mst. Erum, Mst. Shahida, Mst. Rubina, Naeema @ Sonia and Mst. Farzana were acquitted in Criminal Case No.429 of 2023, arising out of FIR No.502/2022 registered at Police Station Jamshed Quarters, Karachi (East) for offences punishable under sections 147, 148, 337-A(i) 452, 382 P.P.C.

2. Brief facts of the prosecution case are that the complainant had contracted marriage with Mst. Rizwana Rehman however, matrimonial relations between them soon became strained owing to domestic discord and disputes regarding separate residence. It is alleged that on the night of 16.06.2022 at about 11:00 p.m., his wife Rizwana Rehman, her father Abdul Rehman, Syed Imran Wali, Syed Asghar, Kamran, Rizwan, Muhammad Ali, Rashid, Mst. Erum, Mst. Shahida, Mst. Rubina, Naeema @ Sonia and Mst. Farzana accused persons in prosecution of their common object came to the house of the complainant, forcibly broke open the door and trespassed into the premises. It is further alleged that some of the accused persons were armed with iron rods, glass bottles and pistols and started assaulting the complainant and his family members, causing injuries to them. The accused persons allegedly extended threats, attempted to pressurize the complainant in relation to matrimonial issues and further allegedly snatched gold ornaments and cash from the house. Thereafter they are stated to have left the place of occurrence while issuing threats of dire consequences. Record further reflects that though the occurrence

allegedly took place on 16.06.2022, the FIR came to be registered on 16.09.2022 after lapse of time reportedly upon an application moved before the competent Court pursuant whereof direction for registration of case was issued.

3. After usual investigation, challan was submitted before the competent Court. Charge was framed to which the accused pleaded not guilty and claimed trial. In order to substantiate the accusation, prosecution examined complainant and supporting ocular witnesses, mashirs of incident, police officials, Investigating Officer and medical officers who produced medico-legal certificates. Statements of accused under section 342 Cr.P.C were recorded wherein they denied the allegations and claimed false implication owing to matrimonial discord. They did not examine themselves on oath nor led defence evidence.

4. Learned counsel for the appellant contends that ocular account is confidence inspiring; that injuries stand medically corroborated; that minor discrepancies were given undue weight; and that acquittal is result of misreading and non-reading of evidence.

5. Conversely, learned State Counsel supported the impugned judgment and contends that the dispute is matrimonial in nature; FIR is delayed; entire in-law family has been roped in; independent corroboration is lacking; and learned trial Court rightly extended benefit of doubt.

6. Heard. Record pursued.

7. Upon careful re-appraisal of the entire material available on record, it becomes evident that the learned trial Court has not recorded acquittal in a cursory or mechanical manner; rather, the same is founded upon a comprehensive evaluation of ocular account, medical evidence, investigative conduct and surrounding circumstances.

8. At the very threshold, it stands borne out from the record that the complainant and accused persons are closely related inter se. The complainant is husband whereas the principal accused are his in-laws. The prosecution witnesses themselves conceded that prior to the alleged occurrence matrimonial relations between the spouses had become strained and disputes had arisen regarding domestic arrangements and separate residence. This matrimonial discord provides the background within which the occurrence has been projected. In such intra-family disputes, courts are required to examine the prosecution evidence with greater circumspection because the element of exaggeration, embellishment or over-implication of entire families cannot be readily ruled

out unless supported by independent, natural and confidence-inspiring corroboration. The learned trial Court, therefore, rightly treated this admitted hostility as a relevant factor while assessing credibility.

9. Another significant circumstance borne out from the record is delay in lodgment of FIR. The alleged occurrence is stated to have taken place on 16.06.2022 whereas the FIR came to be registered on 16.09.2022 after lapse of approximately three months pursuant to a direction issued on an application moved before the competent Court. No convincing or satisfactory explanation has been brought on record explaining why no immediate report was lodged despite alleged injuries. During cross-examination, the complainant conceded that no prompt complaint was made at the police station on the date of occurrence. In cases arising out of matrimonial or domestic disputes, such delay assumes added significance as it provides time for consultation, deliberation and possible embellishment, thereby affecting the intrinsic worth and spontaneity of the prosecution version. The learned trial Court was justified in drawing adverse inference from this circumstance.

10. The prosecution case, apart from the complainant, rests upon the testimony of PW-2 Zia Ahmed, PW-3 Sana Zia, PW-4 Muhammad Naeem, PW-5 Shaheena and PW-6 Muhammad Aamir. Out of them, PW-2, PW-3 and PW-5 are closely related to the complainant; PW-6 Muhammad Aamir has appeared as a neighbour witness; whereas PW-4 Muhammad Naeem is not related inter se the parties and has been projected as an independent witness. Although in their examination-in-chief these witnesses supported the prosecution version in general terms, their testimony, when tested through cross-examination, revealed material omissions and improvements. Details regarding manner of entry, sequence of assault, specific weapon attribution and individualized overt acts were not consistently reflected in their earlier statements recorded under section 161 Cr.P.C. The complainant himself admitted that certain particulars deposed before the Court, including aspects of weapon attribution, snatching and injury details, were not mentioned in his prior statements. PW-4 acknowledged that he reached the place after receiving telephonic information and did not witness the occurrence from its inception. PW-6, though a neighbour, did not furnish a wholly independent and consistent account free from infirmities, and his deposition also reflected generalized attribution rather than precise role assignment. Allegations against accused persons, including female members of the family, remained broad and collective in nature without consistent delineation of individual acts. In

absence of strong, independent and confidence-inspiring corroboration from neutral quarters, these inconsistencies were rightly treated by the learned trial Court as affecting evidentiary reliability.

11. The learned trial Court also noticed absence of neutral corroboration from the locality. Despite the alleged occurrence having taken place in a residential area, no independent neighbour other than the related or interested witnesses was associated during investigation in a manner lending independent assurance. The Investigating Officer conceded that no substantial effort was made to secure independent witnesses from the vicinity. This omission becomes material where parties are closely related and prior hostility is admitted.

11. With regard to medical evidence, the MLO recorded the injuries as under:

- (i) "Injury No.1. An abrasion measuring about 1 cm x 0.5 cm on left forearm.
- (ii) Injury No.2. A lacerated wound measuring about 1.5 cm x 0.5 cm on scalp.
- (iii) Injury No.3. Complaint of pain on back with no visible mark."

All injuries were declared simple in nature caused by blunt object. No fracture, grievous hurt, dental injury or life-endangering trauma was recorded. The learned trial Court juxtaposed this medical evidence with the ocular account and observed that although it establishes occurrence of an altercation, it does not fully corroborate the magnitude, intensity or manner of assault as alleged in the FIR. Medical evidence being corroborative in nature cannot by itself cure infirmities arising from delayed reporting, lack of independent corroboration and generalized role attribution.

12. Similarly, reliance was placed by the prosecution upon electronic material in the form of USB/video clips. However, the Investigating Officer admitted that the device was neither sealed at the time of recovery nor sent for forensic examination; no certificate regarding authenticity was produced; and no proof regarding authorship, source or continuity of custody was established. In absence of compliance with legal requirements governing admissibility and reliability of electronic evidence, the learned trial Court rightly declined to treat such material as safe corroboration.

13. It is also noteworthy that no alleged snatched property was recovered; no weapon of offence was secured; and no forensic linkage connecting the accused persons with the alleged occurrence was established. These investigative deficiencies, when cumulatively assessed alongside delayed FIR, matrimonial hostility, omnibus nomination and weak

corroborative material, were treated by the learned trial Court as circumstances generating reasonable doubt.

14. I have independently examined whether any material piece of evidence has been misread or ignored. Learned counsel for the appellant has not been able to point out any glaring misreading or non-reading of evidence resulting in miscarriage of justice. The impugned judgment appears to be a speaking and reasoned one wherein ocular, medical and investigative evidence has been evaluated in proper perspective and benefit of doubt extended on grounds borne out from the record.

15. 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. Reliance is placed upon ***The State and others v. Abdul Khaliq and others (PLD 2011 SC 554)***.

16. Likewise, in Muhammad Zafar and another v. Rustam and others (2017 SCMR 1639), the Honourable Supreme Court reiterated:

“We have examined the record and the reasons recorded by the learned appellate court for acquittal... No misreading of evidence could be pointed out... which would have resulted into grave miscarriage of justice. The learned courts below have given valid and convincing reasons for the acquittal... which reasons have not been found by us to be arbitrary, capricious or fanciful warranting interference... Even otherwise this Court is always slow in interfering in the acquittal of accused because

it is well settled law that in criminal trial every person is innocent unless proven guilty and upon acquittal by a court of competent jurisdiction such presumption doubles.”

17. It is also a settled principle that benefit of doubt is not a matter of grace but a matter of right. In ***Tariq Pervaiz v. The State (1995 SCMR 1345)***, it was held that if a single circumstance creates reasonable doubt in the mind of a prudent person regarding the guilt of the accused, the accused is entitled to benefit of doubt not as a matter of grace but as a matter of right.

18. Applying the above settled principles to the facts of the present case, and keeping in view the cumulative infirmities discussed hereinabove, the view taken by the learned trial Court cannot be said to be perverse or arbitrary. At the highest, another view may be possible; however, mere possibility of a different conclusion does not warrant interference in an acquittal.

19. In view of the foregoing discussion, the impugned judgment does not suffer from illegality, perversity or misreading/non-reading of evidence to justify interference. Consequently, the instant Criminal Acquittal Appeal is dismissed in limine along with listed applications.

**JUDGE**

Nadeem