

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Acquittal Appeal No. S- 60 of 2025.
(Mushtaque Ahmed vs. Karamuddin and others).*

Before:

Mr. Justice Ali Haider 'Ada'

Appellant: Mushtaque Ahmed, through
Mr. Parmanad, Advocate.

Respondents: Karamuddin and others.
(Nemo)

Date of hearing: 09.03.2026.
Date of decision: 09.03.2026.

JUDGEMENT

Ali Haider 'Ada' J: Through this Criminal Acquittal Appeal, the appellant, being the complainant, has assailed the order dated 08.05.2025 passed by the learned Special Judge, Anti-Corruption (Provincial), Sukkur, in Direct Complaint No.128 of 2009 filed by the father of the present appellant against the respondents/accused. By the impugned order, the learned trial Court acquitted the respondents/accused under Section 249-A Cr.P.C. Feeling aggrieved by the said order, the appellant has preferred the instant appeal.

2. The crux of the case of the appellant is that he enjoys agricultural land which was entered in the name of one Faiz Muhammad, the father of the complainant, in the revenue record. According to the appellant, the respondents have no legal status or right over the said property. As there was no lawful record in favour of the respondents, a direct complaint was filed before the learned trial Court. The complaint was taken on record, and on 07.05.2015, the charge was framed against the respondents, to which they pleaded not guilty and claimed trial. During the trial, the learned Court examined Ali Khan (father of the appellant), Muhammad Saleh, Muhammad Haneef (Tapedar), Siraj Ahmed (official from the

Survey Superintendent Office, Khairpur), and Ali Bux (Tapedar Revenue). Thereafter, statements of the accused were recorded. Subsequently, on 03.05.2025, an application under the Code of Criminal Procedure, 1898, was filed under Section 249-A, which was allowed by the learned trial Court. It is pertinent to mention that the statements of the accused had already been recorded by the learned trial Court on 09.09.2022; however, certain witnesses were summoned and examined even after recording the statements of the accused.

3. Learned counsel for the appellant contends that the respondents committed fraudulent acts as they had no lawful status over the property. He submits that the learned trial Court acquitted the accused under Section 249-A Cr.P.C without providing full opportunity to the complainant to produce evidence. In support of his arguments, he has relied upon various unreported orders passed by this Court in Criminal Acquittal Appeal No. S-545 of 2021, S-74 of 2020, S-319 of 2023, Criminal Acquittal Appeal No.111-M of 2020, and Criminal Acquittal Appeal No. S-96 of 2023. He has also relied upon reported judgments including 2022 SCMR 1861, 2011 SCMR 725 and 2006 SCMR 1857.

4. Heard learned counsel for the appellant and perused the material available on record.

5. At the outset, it has been noticed that a civil suit for declaration regarding the same property is already pending before the competent Civil Court at the instance of the appellant. The evidence available on record reflects that the property was not only transferred in the name of Ali Khan (father of the complainant) but was also shown to have been transferred in different shares. However, the exact determination regarding the alleged 50% share of the complainant's father is not clear from the record, as it is uncertain whether the remaining shares fall within the same

50% portion or constitute a separate share. Such determination clearly relates to civil rights and title of the property, which falls within the exclusive domain of the Civil Court and cannot be adjudicated in criminal proceedings.

6. Furthermore, the evidence also shows that the survey numbers relied upon by the complainant are recorded in the names of Nawab and Wadho Mal, along with the father of the complainant. As per the evidence of the official from the Survey Superintendent Office, the share of the father of the complainant was shown as eight annas, while the remaining eight annas were shown in the names of Nawab and Wadho Mal. The said official further admitted that the documents relied upon by the complainant and the revenue authorities did not bear the official stamp of the Survey Superintendent Office. Consequently, the authenticity of the record relied upon by the complainant also remains doubtful.

7. Moreover, Muhammad Haneef, the concerned Tapedar, deposed that certain other names also existed in the revenue record; however, those names were not brought on record by the complainant. Likewise, another Tapedar, Ali Bux, admitted that he had not brought any record to establish ownership prior to Mir Muhammad, which itself is one of the disputed aspects raised by the complainant's side.

8. The record further reveals that although the statements of the accused were recorded in the year 2022, yet, further witnesses from the revenue department were summoned and examined during the years 2023, 2024 and 2025. This clearly shows that the complainant was afforded sufficient opportunity to present his case and produce evidence. Therefore, the reliance placed by learned counsel for the appellant on Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 regarding denial of fair trial is misconceived in the present circumstances.

9. It is also a well-established principle of law that civil disputes should not be converted into criminal proceedings merely to exert pressure on the opposite party. In this regard, support can be drawn from the judgments reported as *Haji Nasrullah and others v. Molvi Abdul Haleem and others* **2005 P.Cr.L.J 1410**, *Muhammad Kausar Iqbal v. Additional District and Sessions Judge and others* **2012 P.Cr.L.J 1405**, *Usman Ali v. Additional Sessions Judge, Toba Tek Singh and others* **2017 P.Cr.L.J 155**, *Khudai Dad and others v. Rahimuddin and others* **2017 MLD 1143**, *Khushi Muhammad v. The State through Deputy Prosecutor-General, Sukkur and others* **2020 MLD 1616**.

10. It is also a settled principle that an appeal against acquittal has a limited scope. Once an accused has been acquitted by the trial Court, the presumption of innocence in his favour becomes further strengthened. The appellate Court ordinarily does not interfere with such findings unless the impugned judgment is shown to be perverse, arbitrary, or suffering from serious misreading or non-reading of evidence. In this regard, reference may be made to the judgment of the Honourable Supreme Court in *Fida Hussain alias Saboo v. The State*, **2025 SCMR 993**, wherein the principle of "double presumption of innocence" in favour of an acquitted accused has been reiterated. Likewise, it is also a golden principle of criminal jurisprudence that if any doubt arises in the prosecution case, the benefit of such doubt must go to the accused, as held in *Qurban Ali v. The State*, **2025 SCMR 1344**.

11. In view of the above facts and circumstances and for the reasons discussed hereinabove, this Court finds no justification to interfere with the order passed by the learned trial Court. Consequently, the instant Criminal Acquittal Appeal, being devoid of merit, is hereby dismissed along with the listed application.

JUDGE