

IN THE HIGH COURT OF SINDH KARACHI
Criminal Jail Appeal Nod.55 & 56 of 2025

Appellant : Adnan son of Muhammad Idrees
Though M/S Ubedullah Ghoto & Naeemuddin
Chachar, Advocates

Respondent : The State
Through Mr. Muhammad Mohsin Mangi, APG

Date of hearing : 04.05.2026
Date of decision : 04.05.2026

JUDGMENT

MIRAN MUHAMMAD SHAH, J:- This single judgment shall dispose of the above-captioned two Criminal Jail Appeals filed by appellant Adnan son of Muhammad Idress, challenging two separate judgments, both dated 27.11.2024, passed by the learned Additional Sessions Judge-IV, Karachi East. The first judgment was passed in Sessions Case No. 776/2024 (*The State v. Adnan*), arising out of FIR No. 1192/2023, registered at Police Station KIA, Karachi, under Section 397/34 PPC (main case). The second judgment was passed in Sessions Case No. 810/2024 (*The State v. Adnan*), arising out of FIR No. 1193/2023 registered at the same police station under Section 23(i)(a) of the Sindh Arms Act, 2013, which is the offshoot case of the main crime. Through the impugned judgments, the appellant was convicted and sentenced in the main case under Section 397 PPC to suffer R.I. for seven years. In the offshoot case, he was convicted under Section 23(i)(a) of the Sindh Arms Act, 2013 and sentenced to suffer R.I. for seven years and to pay a fine of Rs.20,000/-, and in default thereof to undergo S.I. for two months more. However, benefit of Section 382-B, Cr.P.C. was extended to him in both cases.

2. Succinctly the facts of the prosecution case are that on 25.08.2023 at about 5:00 p.m., the appellant, along with his companions, committed robbery at Lala Akbar Hotel situated at Nisar Colony, Section 32-D, Korangi, Karachi. It was alleged that they snatched cash amounting to Rs.165,000/- from the hotel counter

and also robbed four labourers of their mobile phones and cash amounting to Rs.12,000/-. According to the prosecution, two accused persons escaped on a motorcycle while the present appellant was allegedly apprehended by the complainant party. In the meantime, a police party headed by SIP Nooruddin arrived at the spot and took custody of the appellant. During personal search, an unlicensed weapon was allegedly recovered from his possession. The appellant also allegedly disclosed the names of his companion as Chanoo etc. After completion of the investigation, separate challans in both cases were submitted before the trial Court.

3. The learned trial Court framed charges against the appellant in both cases, to which he pleaded not guilty and claimed trial.

4. To prove its case, the prosecution examined three witnesses, namely PW-1 SIP Nooruddin, PW-2 Muhammad Akbar (complainant), and PW-3 ASI Aijaz Hussain. Thereafter, the prosecution closed its side.

5. The statement of the appellant under Section 342, Cr.P.C. was recorded in both cases wherein he denied the allegations levelled against him and claimed that he had been falsely implicated. He also stated that no weapon was recovered from him and that the alleged recovery had been foisted upon him by the police. However, he neither examined himself on oath nor produced any evidence in his defence.

6. After hearing the parties and evaluating the evidence available on record, the learned trial Court convicted and sentenced the appellant in both cases as stated above. Hence, these appeals.

7. Learned counsel for the appellant contended that the appellant is innocent and has been falsely implicated in these cases. He argued that the prosecution failed to prove its case beyond reasonable doubt. According to him, the complainant had forgiven the appellant during his testimony, yet the trial Court failed to properly consider that aspect. He further argued that the alleged recovery was doubtful as the recovered cash was never produced before the Court and the

numbers of the currency notes were not mentioned in the recovery memo. He also submitted that although the alleged incident took place in a populated area and several persons had allegedly gathered at the spot but no independent witness from the public was associated with the investigation or produced before the Court. Learned counsel further pointed out that material contradictions and inconsistencies in the prosecution evidence had been ignored by the trial Court. He therefore prayed for acquittal of the appellant.

8. Conversely, learned APG supported the impugned judgments and argued that the prosecution had successfully established its case through reliable ocular and documentary evidence. He submitted that the evidence produced by the prosecution was confidence-inspiring and sufficient to connect the appellant with the commission of the offences. He therefore prayed for dismissal of the appeals.

9. I have heard the learned counsel for the parties and carefully examined the record with their assistance.

10. After a careful assessment of the evidence, I am of the view that the prosecution has failed to prove its case against the appellant beyond reasonable doubt. The alleged recovery is not free from doubt. The Investigating Officer failed to produce the allegedly recovered cash before the Court, and the numbers of the currency notes were not mentioned in the recovery memo. This omission materially affects the evidentiary value of the alleged recovery. Furthermore, the mashirs of arrest and recovery were police officials belonging to the same police party. No independent person from the locality was associated with the arrest or recovery proceedings, despite the fact that the alleged place of incident and arrest was a populated area. It is also noteworthy that, according to the prosecution case itself, not only the complainant but also four labourers were allegedly robbed during the incident. However, none of those labourers was examined as a witness before the Court. Similarly, the prosecution claimed that a mob of people had apprehended the appellant at the spot, yet none of those persons was produced either as a witness or as a mashir. No plausible explanation for their non-

production has been furnished by the prosecution. The prosecution evidence further contains material contradictions and omissions which have not been satisfactorily explained rather the trial court itself mentioned in the impugned judgment that in the larger interest of public minor or slightest contradictions are hereby ignored. These circumstances create serious doubt regarding the truthfulness of the prosecution story. The learned trial Court did not properly appreciate these material deficiencies while recording conviction. It is a settled principle of criminal jurisprudence that if a single circumstance creates reasonable doubt in the prosecution case, the accused is entitled to the benefit of such doubt as a matter of right and not as a matter of grace. In the present case, several circumstances discussed above collectively create reasonable doubt regarding the guilt of the appellant.

11. For the foregoing reasons, by short order dated 04.05.2026, both appeals were allowed. The impugned judgments dated 27.11.2024 passed by the learned trial Court in both cases were set aside. Consequently, the conviction and sentences awarded to the appellant were also set aside. The appellant was acquitted of the charges by extending the benefit of doubt and was ordered to be released forthwith, if not required in any other case. These are the reasons for the short order.

Office is directed to place a signed copy of this judgment in the captioned connected appeal.

JUDGE