

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, MIRPURKHAS**
Criminal Acquittal Appeal No.S-120 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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06.10.2026

None present for the appellant.

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None present on behalf of the appellant. The instant Criminal Acquittal Appeal was instituted on 13.06.2024. Despite the passage of considerable time, no one has appeared on behalf of the appellant to pursue the matter. The record reflects that respondents No.1 to 3 were booked in Crime No.64 of 2023, registered at Police Station Mirwah Gorchani, for offences punishable under Sections 382, 506(ii), 430, 427, 147, 148, 149 and 504 PPC. After a full-dressed trial, the learned Civil Judge & Judicial Magistrate-II, Kot Ghulam Muhammad, vide judgment dated 18.05.2024, acquitted the respondents of the charge under Section 245(i), Cr.P.C.

Perusal of the impugned judgment shows that the learned Trial Court examined the prosecution evidence in detail and assigned cogent reasons for recording acquittal. The learned Trial Court, inter alia, noticed that the Investigating Officer admitted that the watercourse forming the subject matter of the dispute was not sanctioned by the Irrigation Department and was, in fact, a private watercourse. The documentary material produced by the Investigating Officer further reflected that the complainant side had allegedly been drawing water through a private Nali, regarding which the Irrigation authorities had already issued notice for its removal. The learned Trial Court,

therefore, found that the underlying controversy essentially related to an irrigation/watercourse dispute.

The learned Trial Court further noticed that although tyre marks of a digging/crane machine were allegedly found at the place of occurrence, neither the driver/operator of such machine was associated with the investigation nor was he nominated as an accused. Likewise, the prosecution eye-witness failed to substantiate the allegation that the accused had demolished the watercourse through the digging machine and also failed to assign a specific role to each of the accused. As regards the allegation under Section 506(ii), PPC, the learned Trial Court found that the essential ingredients of criminal intimidation, as contemplated under Section 503 PPC, had not been established. It was further noticed that no weapon or other incriminating article was recovered from the respondents. Upon cumulative assessment of the evidence, the learned Trial Court concluded that the prosecution had failed to establish its case beyond reasonable doubt and consequently acquitted the respondents.

I have independently examined the impugned judgment as well as the material available on record and find that the conclusions drawn by the learned Trial Court are based upon a proper appraisal of the evidence. No material misreading or non-reading of evidence, perversity, arbitrariness, illegality or jurisdictional defect is apparent which may justify interference by this Court in an appeal against acquittal. It is well settled that an acquittal strengthens the presumption of innocence already enjoyed by an accused, and interference with an acquittal is warranted only where the impugned judgment is shown to be perverse, arbitrary, capricious, patently illegal or based upon gross

misreading or non-reading of material evidence. Mere possibility of another view of the evidence does not furnish sufficient ground for converting an acquittal into conviction.

In the present case, no such exceptional circumstance is available. Rather, the reasons recorded by the learned Trial Court are supported by the material on record and constitute a plausible and legally sustainable view of the evidence. Consequently, no case for interference in the well-reasoned judgment of acquittal dated 18.05.2024 passed by the learned Civil Judge & Judicial Magistrate-II, Kot Ghulam Muhammad, is made out. The instant Criminal Acquittal Appeal, being devoid of merit, is accordingly dismissed.

JUDGE

Chander Kumar