

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Criminal Acquittal Appeal No.S-90 of 2025
[Muhammad Yaseen v. Seetal Bagri & others]

1. For orders on M.A. No.8019/2026.
2. For orders on office objections.
3. For orders on M.A. No.8120/2025.
4. For orders on M.A. No.8121/2025.
5. For hearing of main case.
6. For orders on M.A. No.8122/2025.

14.09.2026

Appellant present in person.

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1. Urgency is granted.

2to6. The captioned acquittal appeal is directed against the judgment dated 20.08.2025 passed by learned Judicial Magistrate-II, Matiari in Direct Complaint No.04 of 2023 filed under section 200 Cr.P.C for the offence punishable under sections 506/2, 504, 147, 148, 149, and 337-A(i) PPC, whereby the learned trial Court after hearing the learned counsel for the parties, acquitted the respondents/accused u/s 245(i) Cr.P.C of the charge by extending them benefit of doubt.

Brief facts of the prosecution case are that on 30.6.2023, at about 08:15/08:30 a.m., when the complainant was present at a hut of the Bagri community for purchasing mangoes, the respondents/accused arrived there and assaulted him on different parts of his body with hatchets. On his cries, PWs Bachayo Shahook and Dur Muhammad Shahook reached the spot, whereupon the accused also caused injuries to Afsar, Allah Bachayo and Dur Muhammad with hatchets and sticks. Hence, the instant direct complaint was filed against them.

After filing of the direct complaint, the complainant's statement under Section 200 Cr.P.C. was recorded, followed by statements of PWs under Section 202 Cr.P.C., namely Allah Bachayo and Dur Muhammad, whereafter cognizance was taken. The learned Trial Court framed charge against the accused and recorded evidence of four witnesses. Upon closure of the complainant's side, statements of the accused under Section 342 Cr.P.C. were recorded, wherein they denied the allegations and pleaded innocence. They neither examined themselves on oath nor produced any witness in defence. After hearing the parties, the learned Trial Court acquitted the respondents/accused vide impugned judgment dated 20.08.2025, hence this appeal.

The appellant/complainant, appearing in person, submits that sufficient evidence was available on record which was not properly appreciated by the learned Trial Court and that the accused were acquitted without assigning valid reasons. He, therefore, seeks conviction of the respondents/accused.

I have heard the appellant in person and examined the impugned judgment as well as the record. The appellant has not been able to point out any material illegality, irregularity, misreading or non-reading of evidence warranting interference with the judgment of acquittal. The record shows that although the injured persons were medically examined on the date of occurrence, the MLCs were prepared after a delay of almost five days and said MLCs were not produced before the Trial Court. The injuries were opined as "Shujah-i-Khafifa" falling under Section 337-F(i) PPC, which is non-cognizable. Moreover, despite the complainant and PWs stated that several persons had gathered at the place of occurrence, no independent witness was associated. The allegations regarding causing injuries were also general, without assigning any specific injury to any particular accused. Significantly, the complainant himself admitted that he sustained no injury in the occurrence. The evidence further suffers from material contradictions and the delay in issuance of the final MLCs remained unexplained. In the circumstances, the evidence does not inspire confidence and the appellant has failed to demonstrate that the learned Trial Court's conclusions are perverse or based upon misreading or non-reading of material evidence.

It is also significant that the appellant has not been able to point out any material piece of evidence or circumstance which could demonstrate that the learned Trial Court had misread or overlooked the evidence while acquitting the private respondents/accused. No convincing ground has been brought on record warranting interference with the well-reasoned judgment of acquittal. The complainant/appellant, therefore, has failed to establish its case against the respondents beyond reasonable doubt. I have also perused the impugned judgment and come to the conclusion that the learned trial Court has dealt with all aspects of the matter quite comprehensively in the light of all relevant laws dealing with the matter and the appellant in his appeal is unable to point out that the impugned judgment by any means suffers from any illegality or miscomprehension or non-appreciation of evidence available on record. I am also not satisfied with any of the grounds agitated by appellant in the memo of appeal for indulgence of this Court in the matter. Therefore, I find that the impugned judgment passed by trial Court is in accordance with law and facts and needs no interference by this Court.

As observed above, the respondents/accused have been acquitted by the competent Court of law therefore, under the law once an accused was

acquitted by the competent Court of law after facing the agonies of the protracted trial then he would earn the presumption of double innocence which could not be disturbed by the appellate Court lightly. Resultantly, the instant Criminal Acquittal Appeal being devoid of merits is hereby **dismissed** *in limine* along with pending application[s], if any.

JUDGE

Muhammad Danish