

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

Cr. Acquittal Appeal No. S- 143 of 2020

DATED	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A No.4847/20.
2. For orders on office objection.
3. For orders on M.A No.4848/20.
4. For hearing of main case.

17.08.2020

Mr. Ahmed Nawaz Chang, Advocate for appellant.

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ABDUL MAALIK GADDI, J- This Cr. Acquittal Appeal is directed against the judgment dated 09.07.2020 passed by the learned 1st Additional Sessions Judge, Tharparkar at Mithi, in Criminal Case No.50 of 2020 arisen out of Crime No.13 of 2020 registered U/S 365-B, 34 PPC at PS Mithi, whereby the learned trial Court after hearing the parties acquitted the accused on application U/S 265-K Cr.P.C. by observing that no case against the accused / respondents has been made out.

2. The allegations against the respondent / accused are that on 02.02.2020 at 1715 hours, he forcibly abducted Soomal wife of complainant and took her away in white colour car from near cattle Piri Mithi Town situated on Mithi-Islamkot main road Taluka Mithi, District Tharparkar with intention to commit zina, which was witnessed by the witnesses complainant, Muhammad Ashraf, Ali Akbar and his wife so also children, which resulted in the lodging of instant F.I.R.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable under the law as there was sufficient evidence available on record against the accused but the trial Court brushed aside the same, more particularly, the accused was acquitted U/S 265-K Cr.P.C without assigning any valid reason. He further argued that the accused / respondent has nominated in the F.I.R with specific role but the learned trial Court has passed the impugned order in hasty manner; therefore, prayed that same may be set-aside.

4. I have heard the learned counsel for the appellant and perused the evidence and document so brought on record.

5. It is noted that the complainant Sanwan lodged instant F.I.R alleging therein that respondent / accused has abducted the alleged detainee Mst. Soomal, who while appearing before trial Court has stated that she has not been abducted by the respondent / accused and she left the house of her husband / complainant with her own free-will and consent. She further stated before trial Court that due to cruel attitude of complainant / appellant, she left him and filed Suit for Dissolution of Marriage which is pending adjudication before the Family Court concerned. During the course of arguments, i have specifically asked the question from learned counsel for the appellant to show any illegality or irregularity in the impugned judgment, he has no plausible answer with him.

6. The learned Presiding Officer of trial Court has dealt with all aspects of the matter quite comprehensively in light of all the relevant laws dealing with the matter and now before me, the appellant was unable to demonstrate that the impugned judgment by any means suffers from any illegality or miscomprehension or non-appreciation of evidence by way of documents available on record. The respondents have been acquitted of the charge by learned Presiding Officer on the grounds as stated *supra* and the appellant has not been able to satisfy this Court on either of the grounds as mentioned in the memo of appeal to interfere in the impugned judgment.

7. Considering all the above aspect of the case, i have come to the conclusion that the trial Court has rightly extended the benefit of doubt in favour of the accused / respondents and the impugned judgment dated 09.07.2020 contain valid reasons for extending benefit of doubt to the respondents; therefore, the same does not require any interference by this Court. Resultantly, I found no merit in this appeal which is accordingly **dismissed** in **limine** along with listed application[s].

JUDGE

Hafiz Fahad