

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Acquittal Appeal No.D-180 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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Mr. Justice Abdul Maalik Gaddi
Mr. Justice Khadim Hussain Tunio

1. For orders on MA No.11218/2019.
2. For orders on MA No.11219/2019.
3. For hearing of main case.

13-02-2020

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Abdul Maalik Gaddi, J: - This criminal acquittal appeal was called for hearing in the early part of the day when none was present on behalf of the appellant, therefore, in the interest of justice matter was kept aside for second call at 11.00 a.m. It is now 11.10 a.m. again nobody has appeared on behalf of appellant and no intimation received.

2. Learned A.P.G. Sindh present in Court in other cases waives notice and submitted that this acquittal appeal has been filed against the acquittal order recorded by the learned trial Court dated 02.12.2019 in Direct Complaint No.01 of 2018 and the learned trial Court after hearing the parties dismissed the case and claim of the appellant on the ground that there are contradiction in between the evidence of prosecution witnesses and incident is un-witnessed, therefore, she was of the view that this direct complaint merits no consideration, the same may be dismissed.

3. As observed above none has appeared on behalf of the appellant, though sufficient opportunity was given, therefore, we ourselves have gone through the case papers with impugned judgment with able assistance of learned A.P.G.

4. It is alleged by the complainant in his complaint that on 13.12.2016, the complainant was available in his house when he received information about murder of his brother Chando, whereupon he and Hameer immediately reached at the place of incident and saw that the dead body of Chando was hanging and his feet were touching the earth. The police then took away dead body and got its postmortem conducted without permission of the complainant. The complainant had suspicion of murder and he shown his

suspicion upon accused persons but the police did not register FIR of the complainant and lodged report of suicide under section 174 Cr.P.C.

5. It appears from the record that the trial Court after full-dressed trial acquitted the accused persons/respondents in this case. It appears that the direct complaint was dismissed on two grounds (i) that the incident was un-witnessed and (ii) that no prosecution witnesses have directly implicated the accused/respondents in this case and so also complaint was filed merely on the basis of suspicion.

6. We have also perused the impugned judgment and come to the conclusion that the learned trial Court has dealt with all aspect of the matter quite comprehensively in the light of all relevant laws dealing with the matter and the appellant in his appeal unable to point out that the impugned judgment by any means suffers from any illegality or miscomprehension or non-appreciation of evidence by way of documents and evidence available on record. We are also not satisfied any of the grounds agitated by the appellant in the memo of appeal for indulgence of this Court in the matter. Therefore, we find the impugned judgment passed by the trial Court is perfect in law and fact needs no interference by this Court. As observed above, the private respondents 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/they would earn the presumption of double innocence which could not be disturbed by the appellate Court lightly. Consequently, this criminal acquittal appeal being bereft of merits is **dismissed** in *limini* along with listed applications.

JUDGE

JUDGE