

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acq. Appeal No. 492 of 2017

Appellant : Abid Hussain
through Mr. Behroz Malik, DPG

Respondents : 1. The State
through Mr. Zahoor Shah, DPG
2. Muhammad Younus (Not presented)
3. Judicial Magistrate-VII, Karachi (West)

ORDER

Omar Sial, J.: This appeal has been filed by Abid Hussain on behalf of K-Electric against a judgment dated 15-9-2017 passed by the learned 7th Judicial Magistrate, Karachi West. In terms of the said judgment, respondent no. 2 in these proceedings, namely Mohammad Younus was acquitted of an offence punishable under section 39-E of the Electricity Act, 1910.

2. Brief facts of the case are that that on 1-1-2016 a team of K-Electric on duty to detect theft of electricity noticed that there was a workshop that was consuming electricity through a connection which was not authorized by K-Electric. The K-Electric team disconnected the connection, took photographs and videos of the site and confiscated the wire that was being used in the theft. The team then handed over the material it had collected to the police and F.I.R. No. 2 of 2016 was registered at the K.E.S.C. police station.

3. A trial against the respondent no. 2 was held by the learned 7th Judicial Magistrate, Karachi West who at the conclusion of the trial acquitted the respondent no. 2 of the charge vide his judgment dated 15-9-2017.

4. I have heard the learned counsel for K-Electric and gone through the impugned judgment with his able assistance. My observations are as follows.

5. The learned counsel was asked to point out the illegality in the impugned judgment. He identified the observations made by the learned trial court in paragraph 15 of the judgment. The learned counsel however was unable to indicate any illegality in the observations made in fact admitted that the same were correct.

6. The learned trial court has given cogent reasons for its decision and the learned counsel has been unable to identify any non-reading or mis-reading of evidence or that

the impugned judgment is arbitrary, perverse or capricious. He has also very honestly conceded that there is no jurisdictional defect as well. In view of the foregoing, no ground has been agitated that would justify admission of this appeal. Needless to say that a double presumption of innocence also works in favour of the respondent no. 2 who has been acquitted after a full dress trial.

7. Above are the reasons for which this appeal was dismissed in limine on 8.11.2018.

JUDGE