

91

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**  
**Crl. Acquittal Appeal No.D-03 of 2018.**

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF HON'BLE JUDGE</b>
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1. For orders on office objection.
2. For orders on M.A.No.369/2018.
3. For Hearing of main case.

26.02.2018.

Mr. Mubshar Ali Solangi, advocate for the appellant.

Mr. Khadim Hussain Khooharo, Addl. P. G.


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Appellant has challenged impugned judgment dated 19.12.2017, passed by learned Sessions Judge Kamber-Shahdadkot at Kamber in Sessions Case No.534 of 2014 bearing Crime No.68/2014 registered at Police Station Nasirabad under sections 302, 337-H(2), 114, 148, 149, PPC, whereby the respondents have been acquitted. The case against the respondents set up by the complainant in the FIR is that on a date of incident vis-à-vis 07.07.2014 at 03:00 p.m when the complainant party was present near Massan Hotel at Mehar Road, the present respondents along with co-accused Nader Ali and two unidentified persons duly armed with weapons came over there and at the instigation of accused Ghulam Serwar, co-accused Nader Ali fired directly from his pistol and committed murder of brother of complainant, namely, Ahsan Ali in presence of witnesses, namely, Shoukat Ali and Ayaz Ali.

Learned counsel for the appellant has argued that there is sufficient evidence against the respondents; that their presence at the spot is established duly armed with the weapons but it has not been considered by the trial Court. However, he has admitted that except the word of by the complainant that they were present at the spot no evidence was found against the respondents. Even the allegation that they made aerial firing to frighten the complainant party is not borne



out from any recovery of the empties from the spot. We have gone through the judgment of the trial Court as well as the evidence filed along with this appeal and have found that no active role is assigned to the respondents and no supporting evidence against them vis-à-vis the allegation of making aerial firing is established. Learned trial Court has appreciated the evidence of the witnesses reasonably and has come to the conclusion that case against the respondents is doubtful. The reasons cited by learned trial Court in favour of the acquittal are cogent. No material is available to justify interference in such findings of the trial Court. This appeal is devoid of merits and is dismissed in limine along with listed application.

  
**Judge**

  
**Judge** 26/7/2018