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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Acquittal Appeal No. S- 75 of 2016.

Date of hearing	Order with signature of Judge
07.08.2017.	

1. For orders on office objections.
2. For Katcha Peshi.

Mr. Mohsin Ali Pathan, Advocate for appellant.
Mr. Sardar Ali Rizvi, D.P.G.

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For reasons, to be recorded later on, the acquittal appeal is  
dismissed.



JUDGE

Ansari/\*

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Mr. Mohsin Ali Pathan, Advocate for appellant.  
Mr. Sardar Ali Rizvi, D.P.G.

Omar Sial, J: Appellant Kartar Lal has impugned a judgment dated 08.10.2016 in terms of which the learned Court of Sessions, Kashmore @ Kandhkot acquitted the respondents, namely, Heeman Das and Jagdesh of a charge under Section 380 P.P.C.

Brief facts are that one Kartar Lal booked 20 cartons of a homeopath medicine from Lahore to Kandhkot. The medicine was delivered at the Bahadur Arain Goods Agency. Proprietor of the Agency, one Bahadur Ali Arain phoned Kartar Lal to come take the medicine. When Kartar arrived at the Agency, the cartons were lying outside. He went to arrange a donkey cart to transport them. When he returned he saw that the respondents were taking the cartons on another donkey cart. Subsequently, the cartons were returned to Kartar Lal by the police who recovered them from the medical store of the respondents. A FIR under section 380 PPC was filed at P.S. A-Section, Kandhkot against the respondents.

After a full dress trial, the learned Family Judge/Civil Judge and Judicial Magistrate, Kashmore at Kandhkot convicted and sentenced the respondents to suffer S.I. for one year and a fine of Rs.10,000/- each or suffer another S.I. of thirty days in default. The learned Court of Sessions Judge, Kashmore @ Kandhkot overturned the conviction in appeal.

The learned counsel for the appellant has primarily argued that the learned Court of Sessions did not believe the complainant version but instead relied on the testimony of the defence witness in support of the acquittal and that the learned appellate Court did not take into account

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that the medicine was recovered from the medicine store of the respondent. A cursory look at the impugned judgment would reveal that the learned appellate Court has in fact given its findings on both issues. In addition, I have observed that it is questionable whether on the facts of the case, the ingredients of section 380 PPC were even satisfied in the first place.

The learned counsel for the appellant was unable to point out any perversity or illegality in the impugned judgment nor was he able to show any jurisdictional error or that the judgment was arbitrary, fanciful or capricious. The learned counsel's desire that the judgment should have made a different conclusion would not be sufficient to merit interference with the impugned judgment, especially when a presumption of double innocence also works in favour of the respondents.

For the above reason, captioned appeal stood dismissed vide short order dated 07.08.2017.

  
31/8/17  
JUDGE

Ansari/\*