

# IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acquittal Appeal No. 91 of 2024

Appellant/Complainant : Muhammad Mehmood Jan through  
Mr.Muhammad Arshad Tariq, Advocate.

Respondent No.1 to 8 : Nemo.

Respondent No.9 : Nemo

Date of hearing : 17.10.2025.

Date of judgment : 17.10.2025.

## J U D G M E N T

**TASNEEM SULTANA-J:-** This Criminal Acquittal Appeal has been filed by the appellant/complainant Muhammad Mehmood Jan assailing the judgment dated 19.12.2023 passed by learned Civil Judge and Judicial Magistrate Judge/MCTC, Karachi in Criminal Case No.1697 of 2020 arisen out of Crime No.266 of 2020 registered with Police Station Zaman Town under Sections 147, 148, 149, 337-A(i) PPC whereby all eight accused persons were acquitted of the charges under Sections 147/148/149/337-A(i) PPC.

2. Allegation against the accused/respondents No.1 to 8, as narrated in the FIR, are that on 06.04.2020 at about 2200 hours, when the complainant was sitting in front of a Parchoon shop, they allegedly abused and attacked upon complainant, out of whom accused Qari Arshad made direct fires upon him which were missed. Complainant received butt blow of pistol on his head for which someone told him it was caused by Qazi Arshad. The complainant's father was also allegedly came there and was beaten by accused. Later they were saved by Raheel Shah and Fahad uz Zaman.

3. FIR was lodged on 19.04.2020, investigation was conducted, and the accused/respondents No.1 to 8 were sent up to stand trial where charge was framed at Exh:82 against them who pleaded not guilty and claimed trial.

4. In order to prove its case, prosecution examined in all 5 prosecution witnesses and then close its side vide statement at Exh:08. The statement under Section 342 Cr.P.C of the accused/respondents was recorded at Exh:09 to 16 wherein they professed their innocence but they did not opt to record their statements on oath under Section 340(2) Cr.P.C and did not produce any defense.

5. On conclusion of trial, after hearing learned counsel for the parties, learned trial court acquitted all the accused/respondents vide judgment dated 12.9.2023 which is challenged in this appeal.

6. The learned counsel for the appellant/complainant has mainly contended that learned trial court erred in appreciating the evidence on record and ignored the medical evidence confirming injuries on the complainant; the trial court failed to consider that minor contradictions do not vitiate the entire prosecution case; the trial court incorrectly assessed the credibility of the complainant and supporting witnesses and that the impugned judgment has caused miscarriage of justice hence liable to be set aside and accused/respondents may be convicted and sentenced in accordance with law.

7. I have heard learned counsel for the parties and perused the material available on record.

8. The perusal of record reveals that the FIR was lodged with an unexplained delay of 13 days after the alleged incident, creating doubt about the prosecution case. Although eight accused were named, only general allegations were made against them for causing beatings and firing in the air, except for accused Qari Arshad, who has been ascribed role making direct fires at the complainant which were missed. The allegation that he struck the complainant with a pistol butt was based on hearsay, unsupported by any identified or examined witness as it is stated by complainant himself in the FIR that someone told him butt blow was caused on his head by Qari Arshad. Despite claims of firing and recovery of empty shells from occurrence, no case property was produced, as reflected in the charge-sheet, further weakening the case. Moreover, the prosecution failed to examine key eyewitnesses Raheel Shah and Fahad-uz-Zaman, warranting an adverse inference.

9. The complainant's claim of bleeding from a head injury was not supported by production of blood-stained clothes, and while medical evidence confirmed injuries, it could not link the accused to the crime. No medical examination of the complainant's father, who was also alleged to have been beaten, was conducted. These omissions and contradictions undermine the prosecution version. On review, the impugned judgment is found to be well-reasoned and based on proper appreciation of evidence, with no misreading or illegality. The trial court rightly held that the prosecution failed to prove its case beyond reasonable doubt, and no error has been shown warranting interference by this Court.

10. It is well settled by now that the scope of appeal against acquittal is very narrow and there exists a double presumption of innocence in favour of the accused, and that the Courts generally do not interfere with the impugned judgment unless they find the reasoning in the same to be perverse, arbitrary, foolish, artificial, speculative or ridiculous, as was held by the Honourable Supreme Court in the case of **State**

**versus Abdul Khaliq and others (PLD 2011 SC 554)**., wherein the Hon'ble Supreme Court has held as under:

*"From the ratio of all the above pronouncements and those cited by the learned counsel for the parties, it can be deduced that the scope of interference in appeal against acquittal is most narrow and limited because in an acquittal the presumption of innocence is significantly added to the cardinal rule of criminal jurisprudence, that an accused shall be presumed to be innocent until proved guilty; in other words, the presumption of innocence is doubled. The courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, suffering from the errors of grave misreading or non-reading of the evidence, such judgments should not be lightly interfered and heavy burden lies on the prosecution to rebut the presumption of innocence which the accused has earned and attained on account of his acquittal."*

11. It is a cardinal principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt, and if a single reasonable doubt arises, it must be resolved in favour of the accused, not as a concession but as a right. Reliance is placed on **Tariq Pervaiz v. The State (1995 SCMR 1345)**, **Muhammad Akram v. The State (2009 SCMR 230)**, and **Muhammad Zafar and another v. Rustam and others (2017 SCMR 1639)**.

12. In view of the foregoing discussion, I am of the considered view that the prosecution has failed to bring home the guilt of respondents/accused beyond reasonable doubt. Consequently the impugned judgment dated 19.12.2024 passed by learned trial Court was maintained and instant Criminal Acquittal Appeal was dismissed by my short order dated 17.10.2025 and these are the reasons thereof.

**JUDGE**

Shabir/P.S