

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Acq. Appeal No.255 of 2017

Date	Order with signature of Judge
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For hearing of main case

15.03.2019

Mr. Saifullah, advocate for the appellant.
Ms. Amna Ansari, Addl. P.G.

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1. This Crl. Acq. Appeal is directed against the judgment dated **29.05.2017** passed by the learned XVIIth Civil Judge & Judicial Magistrate West, Karachi in Criminal Case No.1431/2015 whereby the trial Court has acquitted Respondents No.1 to 3 by extending them benefit of doubt.

2. It is contended by the learned counsel for the appellant/complainant that on 30.5.2015 the appellant/complainant, her brother and mother were present at appellant's house and there was a dispute between Complaint and her in-laws. It is further contended that due to dispute Complainant's brother in law Sher Rauf, Atif and her mother in -law Mst. Nihayat Bibi brutally beaten her and her brother Faisal and caused injuries on their heads and bodies.

3. I have heard the learned counsel for the appellant and learned Addl. P.G and perused the record.

4. The perusal of the impugned order shows that the learned trial Court has rightly observed that:-

“.....I noticed major contradictions in the prosecution case. It is admitted position that the FIR was lodged after delay of ten days without giving any plausible explanation about such delay. Especially the delay in lodging FIR cannot be ignored when the complainant and her brother

received injuries and there was dispute between the parties. Further, no specific role is assigned to any accused person. It is also not mentioned in FIR nor the PWs deposed that in their statements that what article was used by accused persons in causing injuries to them and no any article was recorded by the I.O hence it cannot be easily determined that which of the accused person had active role in causing injuries or which articles/weapons were used by accused persons against the injury. The prosecution also failed to examine the mother of the complainant who was eye witness of the incident.....

5. In view of the above, no case is made for interference in the impugned judgment by this Court, therefore, this Crl. Acq. Appeal is dismissed alongwith listed application.

JUDGE

SM