

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Crl. Acq. Appeal No.402 of 2017**

Date	Order with signature of Judge
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1. For hearing of M.A No.9521/2017
2. For orders on office objection as at flag 'A'.
3. For hearing of main case

**26.03.2019**

Mr. R. Maqsood Ahmed Qazi, advocate for the appellant.  
Mr. Hassan Sabir, advocate for Respondents.  
Ms. Rubina Qadir, DPG.

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1. This Crl. Acq. Appeal is directed against the judgment dated **05.08.2017** passed by the learned IVth Judicial Magistrate (East) Karachi in Criminal **Case No.482/2017** whereby the trial Court has acquitted Respondents No.1 to 5 by extending them benefit of doubt.
  
2. Learned counsel for the appellant/complainant contended that complainant had installed inflatable amusement rides, jumping castle and inflatable slides under agreements with competent authority. It is averred that respondents/accused persons violated the agreements and took law in their hands. He further contended that after the expiry of one agreement, the second agreement was executed in his favour and it is apparent from 2<sup>nd</sup> agreement that its stamp paper was issued on 03.08.2012 while its execution date is 02.6.2012 prior to issuance of stamp paper. He further contended that department always received dues and complainant has never been in default. He further averred that the Reminder-I & II and notice dated 20.09.2016 are contrary to each other having different facts and moreover, the incident took place on 07<sup>th</sup> & 08<sup>th</sup> November, 2016 while reminders are issued thereafter, which are forged documents.

3. Learned trial Court after hearing the parties, acquitted / Respondents No.1 to 5 by judgment **05.8.2017**. Therefore, the appellant / complainant has filed the instant Criminal Acquittal Appeal.

4. I have heard the appellant present in person and perused the record.

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

“.....It is also admitted position from both the sides that articles of complainant are lying in the premises of District Municipal Corporation Karachi (East), which were placed there, after lifting from the site by accused being employees of Local Government, after expiry of agreements in favour of complainant. On the other hand, complainant alleges theft of these articles at the hands of accused. Complainant suppressed material facts in his complaint. He did not mention if the agreements were expired and accused persons were employees of Local Government. Complainant also did not rebut the plea of accused persons that he is in default of dues. In complaint, the value of articles is shown about Rs.45,00,000/- as per Paras No.2 & 3, but in the application moved to SHO Aziz Bhatti, it is shown Rs.20 lacs.....

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

JUDGE