

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Crl. Acq. Appeal No.248 of 2017**

Date	Order with signature of Judge
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***Present: Mr. Justice Nazar Akbar***

Appellant : Shahid Hameed,  
Through Abdul Hafeez, advocate.

**Versus**

Respondent No.1 : Kamran Badar  
Respondent No.2 : Rashid Rind  
Respondent No.3 : Rashid Imrani  
Respondent No.4 : Shakir,  
Respondent No.5 : Nafees,  
Respondent No.6 : Hashim,  
Respondent No.7 : Matloob Hussain,  
Respondent No.8 : Sher Muhammad @ Papa,  
Respondent No.9 : Fahim,  
  
Respondent No.10: The State  
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : **03.04.2019**

Date of decision : **19.04.2019**

**JUDGMENT**

**NAZAR AKBAR, J:-** This Crl. Acq. Appeal is directed against the judgment dated **31.03.2017** passed by the Judicial Magistrate-XXIV West, Karachi in Criminal **Case No.55/2016** whereby the trial Court has acquitted Respondents No.1 to 9 by extending them benefit of doubt.

2. Brief facts of the case are that on 22.12.2015 at about 1800 hours FIR was lodged by Shahid Hameed, alleging that on 21.12.2015 he being senior manager of administration legal Maymar Housing (Pvt) Ltd., was present in his office, when his staff member, namely, Gulbaz informed him on phone at 1030 hours, they reached in sector No.13, for cleaning, where persons, namely, Kamran Badar, Rashid Rind, Rashid Imrani, Shakir, Nafees, Hashim, Matloob

Hussain, Sher Muhammad @ Papa, Faheem Gutka, duly armed with weapons stopped them from doing their job and also misbehaved and abused them and thereafter, they snatched tractor keys. Thus, they came back at town hall and those persons who were armed with weapons also came there and they on their arrival started abusing Akhtar and security incharge Muhammad Arif. When Muhammad Arif tried to stop them the accused Rashid Imrani started beating Muhammad Arif and snatched his walky-talky and broke it by smashing it on the floor and accused persons left the town hall by extending threats that they will lose their life and also threatened Akhtar and Arif to immediately go from Gulshan-e-Maymar alongwith their security, else it will not be good for them, hence FIR was lodged.

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:-

.....“Here on careful perusal of evidence of prosecution witnesses, it appears that there are material contradictions in the contents of FIR and evidence of prosecution witnesses, as in examination-in-chief PW Syed Muhammad Akhter has deposed that accused persons have directed him to sit in the car and threatened him that they would register case against him and then they brought him at P.S. PW Muhammad Arif in examination-in-chief has deposed that accused Rashid Umerani and others forcibly brought him at PS where they got registered FIR against them but in the FIR it has been mentioned that accused while leaving Town Hall directed Akhter Sahib and Muhammad Arif to leave Town Hall otherwise they would face consequences and it is not mentioned that accused had taken away Syed Muhammad Akhter and Muhammad Arif along with them.

It is also surprising to note here that witness Lutufullah has been as prosecution witness in the instant case as well as in the counter blast case FIR No.274/2015, u/s 506(2) PPC of PS Gulshan-e-Maymar. In present case he

has been examined as PW-2 at Ex.4 and in examination-in-chief he has deposed that he saw Muhammad Hashim along with his companions entered inside Town Hall, entered inside the office of Arif, gave him beatings and snatched his WAKI TAKI and had also broken the same but in FIR No.274/2015 PS Gulshan-e-Maymar (Crl.Case No.54/2016 Sv: Muhammad Arif & others) this witness was examined as PW-1 at Ex.3, in which during examination-in-chief he has deposed that Arif broken his Waki Taki”.....

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