

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.210 of 2017

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on M.A. No.4980/2017 (Ex/A)
 2. For hearing of main case.
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12.04.2019

Mr. Muhammad Anwar Tariq, advocate for the appellant.

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NAZAR AKBAR, J:- This Crl. Acq. Appeal is directed against the judgment dated **11.04.2017** passed by the V-Addlitional Sessions Judge East, Karachi in Sessions **Case No.1000/2015** whereby the trial Court has acquitted Respondents No.1 to 3 by extending them benefit of doubt.

2. Brief facts of the prosecution case Complainant Shakeel Qadir son of Abdul Qadir Jeelani lodged FIR at PS Gulshan-e-Iqbal, stating therein that he works as Manager with Noman Builder and Developers. On 06.10.2014, he was present at his office situated at B-257, Block-5, Gulshan-e-Iqbal Karachi, when a public notice was published in daily Jung from Mary Private Limited, whereby Noman Builder and its Directors Muhamamd Abid Lakhani were defamed and false allegations were leveled, which the complainant had conveyed to Management of Noman Builders and they were consulting for initiating legal action. In the meanwhile, on 27.10.2014, through written letter, the Board of Directors of Mary Private Limited, consisting of (1) Muhammad Munaf Attara, (2) Ayub Surathia, (3) Muhammad Yousuf, (4) Ramzan Ali and the Secretary of Mary Private Limited caused damage to the reputation of Noman Builders and their owners as they were termed as criminals, mentally

sick and insane, as such they were abused and defamed. Hence such FIR was lodged.

3. I have heard the learned counsel for the appellant and perused the record. He insisted that since charge has been framed therefore, evidence should have been recorded by the trial Court. The law does not make it mandatory for the Court to record evidence in a case in which persecution story or mere reading of Section 161 of the Cr.P.C statement turns out to be enough to find the charge groundless.

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

.....“So far the allegation of issuing threats of death and dire consequences is concerned, the investigating officer has recorded statement of complainant Shafiq Qadir son of Abdul Qadir, PWs Fareed Ali Khan son of Abdul Ali Khan, Muhammad Abid Lakhani son of Haji Suleman Lakhani and Noman Abid son of Muhammad Abid, but none of them have stated in their statement that any of the applicants/accused issued threats of death and dire consequences to the complainant and PWs directly, but as per their statements two unknown persons went to the office of complainant and issued threats of death and dire consequences on behalf of Saith Munaf. Nothing is available in police file to show that any of the applicants/accused issued threats of death and of dire consequences to complainant or to anyone else, therefore, I am of the humble view that even if the trial is proceeded and evidence of complainant and PWs is recorded, there is no probability of applicants/accused being convicted for the alleged offence of defamation U/s.506-B PPC”.....

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