

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Acq. Appeal No.110 of 2017

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DATE            ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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1. For order's on M.A No.2937/2017 (Ex/A)
  2. For hearing of main case.
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**19.04.2019**

Mr. Malik Khushal Khan, advocate for the appellant.

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**NAZAR AKBAR, J:-** This Crl. Acq. Appeal is directed against the judgment dated **20.02.2017** passed by the Xth Judicial Magistrate (Central), Karachi in Criminal **Case No.1055/2015** whereby the trial Court has acquitted Respondent No.2 by extending him benefit of doubt.

2. Brief facts as narrated in FIR are that complainant Rashid Akber DM of K-Electric, IBC North Karachi on 20.5.2015 along with other K-electric staff was busy in daily checking visited the plot No.ST-5, Sector 6-B, North Karachi, after giving notice to one person namely Muhammad Yameen who disclosed himself as the owner of the property inspected the place and found that one hotel in the name of Queeta Balochistan hotel, and nine shop was been run and the electricity meter having number LA-309613 was found missing. There are arrears of around Rs.5117952/- on the said meter and during checking found separate cable 10mm<sup>2</sup> and these wires were supplying the power to the said plot having one hotel and nine shops the power usage were 15.6 ampere, and during checking 44+92=136 meter long cable having black colour taken into custody. Thereafter they came to PS KESC where complainant got registered aforesaid FIR against the Muhammad Yameen (accused).

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

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

.....“The prosecution has failed to establish identity of the present accused person as the person who installed illegal hook or kunda at the premises in question as well as occupier of the nine shops and the hotel where the electricity was been used by way of theft.....The photographs produced by the complainant at Ex.03/B to 03/C are not clear so as to see any hook of kunda. The meter No.LA-309613 which was missing from the premises in question has not been recovery from the present accused. It is settled principal that the prosecution must prove its case beyond shadow of doubt but in the instant case the prosecution failed to bring home the charge against the present accused person”.....

The above observation of the trial Court for acquittal of respondent No.2 is also based on the judgment of superior Court specifically mentioned in the impugned order. The appellant has not even suggested that the case law referred by trial Court was not relevant in the case of respondent No.2.

5. 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.

JUDGE