

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.639 of 2018

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

For hearing of main case

16.05.2019

Mr. Iqbal Shah, advocate for the appellant.

Mr. M. Atique-ur-Rehman Khan, advocate for Respondents No.1 to 5.

Mr. Seema Zaidi, D.P.G.

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NAZAR AKBAR, J:- This CrI. Acq. Appeal is directed against the judgment dated **30.10.2018** passed by the IVth Judicial Magistrate West, Karachi, in Cr. Case **No.3243/2017** whereby the trial Court has acquitted Respondents No.1 to 5 by extending them benefit of doubt.

2. Brief facts of the case are that complainant Ahsan Alam Naseer lodged FIR at PS Docks disclosing therein that he was involved in containers business; that on 18.11.2017 at 1230 hours, eight persons came to his office and introduced themselves as FIA and rangers officials; they asked about broker Zohaib and revealed that they had come to arrest Zohaib; that due to unknown reasons, they maltreated the complainant and watchman of complainant's company. Hence, this FIR was registered against the accused persons.

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

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

.....“Complainant has also narrated in
FIR conceding that accused party had come
searching for payment to be recovered from

brother Zohaib and same person Zohaib @ Umair although having remained absent from the spot that day has admitted he himself was liable to pay off money to accused Zaheed and Co.....so he has also admitted in suggestion put forth by learned defence counsel that payments in the past were used to be made on behalf of complainant's company and the same position implies the monetary outstanding situation between the parties which is admitted on record along with the outstanding probable liabilities of complainant's company and in wake of the same, exacerbation of current criminal prosecution with exaggerated narrative seems a product of evading the due payment and allegations upon accused party in terms of unlawful assembly and rioting also turns unjustified.....non-conducting of watchman's medical who was also reported to have received injuries in FIR also plays a spoilsport to the cause of complainant. Similarly, no broken item has been found out by I.O under the course of site inspection to vindicate the maintainability of Section 427 PPC".....

The above observation of the trial Court based on evidence was enough for acquittal of respondents No.1 to 5.

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 alongwith listed application.

JUDGE