

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH, CIRCUIT  
COURT, HYDERABAD.**

Cr.Acq.Appeal No.S- 170 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-8850/19
2. For orders on MA-8851/19
3. For hearing of main case.

15.11.2019.

Appellant/complainant in person

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1. Urgency granted.
2. Granted subject to all just exceptions.
3. The appellant by way of instant Acquittal Appeal, without making the **State** as a party has impugned judgment dated 02.09.2019, whereby respondents have been acquitted by learned 5<sup>th</sup> Additional Sessions Judge, Hyderabad.

It is the case of the prosecution that the respondents with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object by making encroachment over the house of appellant / complainant by putting him and his witnesses under wrongful restrained and fear of death robbed them of their belonging by way of maltreatment, for that they were booked and reported upon.

At trial, the respondents did not plead guilty to the charge and prosecution to prove it examined appellant / complainant and his witnesses and then closed the side.

The respondents in their statements recorded u/s 342 Cr.P.C denied the prosecution allegation by pleading innocence, they did not examine anyone in their defence or themselves on oath.

On evaluation of evidence so produced by the prosecution acquitted the respondents of the offence for which they were charged, such acquittal is impugned by the appellant / complainant before this Court.

It is contended by the appellant / complainant in person that learned trial Court has acquitted the respondents of the charge without recording entire evidence. By contending so, he sought for issuance of the notice against respondents.

I have considered the above arguments and perused the record.

The FIR of the incident has been lodged by the appellant/complainant with delay of about 13 days that too after having recourse u/s 22-A and B Cr.P.C. The parties as per SIO/ASI Muhammad Ishaque are already disputed over property. The appellant / complainant and his father Atta Muhammad could not identify the culprits before learned trial Court during course of their examination. In these circumstances, learned trial Court was right to have recorded acquittal of the respondents by extending them doubt.

Nothing has been brought on record by the appellant / complainant or by learned A.P.G for the State, which may suggest

that the acquittal of the respondents has been recorded by learned trial Court, was perverse or arbitrary, which may justify this Court to make interference with their acquittal by way of instant Acquittal Appeal, it is dismissed in limini.

JUDGE

Ahmed/Pa