

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Crl. Acquittal Appeal No. 217 of 2018

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

1. For orders on M.A. No.2681/2018
2. For hearing of main case

02.12.2019

Muhammad Ashan, Appellant present in person.
 Muhammad Imran, respondent No.1 present in person.
 Mr. Muntazir Mehdi, DPG for the State.

=====

Muhammad Ahsan has impugned a judgment dated 2-3-2018 passed by the learned 1st Civil Judge and Judicial Magistrate, Central, Karachi. In terms of the said judgment his son Muhammad Imran and 3 others, who are his son-in-law, his son's father-in-law and a neighbour, were acquitted of a charge under section 420, 406, 468, 471 and 34 P.P.C.

2. Broadly, the case against the respondents was that his wife Razia, who passed away in December 2009, had obtained a loan from the House Building Finance Corporation and as security had created a mortgage over her house situated in F.B. Area, Karachi. The appellant alleges that the loan was paid off by him but that his son Imran had collected the title documents from HBFC by affixing the appellant's signature.

3. I have asked the appellant to point out any defect in the impugned judgment which would merit an interference by this court. The appellant, however, apart from continuously repeating that he will not spare his relatives, had nothing more to add.

4. The appellant admits that the property in question belonged to his late wife; that the Letter of Administration issued in respect of his deceased wife accurately shows all the heirs of the deceased; that he has not only received his share in her inheritance but that he is in possession of the house whereas his son and the rest of the family has left the house. Further, he has been unable to point out any misreading or non-reading of evidence in the impugned judgment nor does he argue that the learned trial court did not have jurisdiction to hear the case. It appears that a family conflict and friction between the appellant and his family is the cause of the appellant's relentless desire to continue litigation.

5. The learned trial court has given detailed reasons in its judgment and as mentioned above, no defect in it has been identified. Needless to say, a double presumption of innocence also works in favour of the respondents.

6. Above are the reasons for the short order dated 25-11-2019 in terms of which the appeal was dismissed.

JUDGE