

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Acquittal Appeal No. 439 of 2018

Appellant : Mst. Shabnam Sultana (in person)

Respondents : Yousaf & Others
through Ms. Rahat Ahsan, Addl.P.G.**ORDER**

Omar Sial, J: Shabnam Sultana has filed this acquittal appeal impugning a judgment dated 18-7-2018 passed by the learned XXII Civil Judge and Judicial Magistrate, West, Karachi. In terms of the said judgment the respondents Yousaf and Khalid were acquitted of a charge for an offence under section 506-B P.P.C.

2. Brief facts of the case are that the appellant had alleged that upon the recommendation of Khalid, the appellant agreed to sell a property owned by her to Yousaf for Rs. 1.8 million. She received a token amount of Rs. 100,000 but Khalid and Yousaf forcibly paid the appellant's husband an amount of Rs. 700,000 and took over possession of the property. The appellant alleged that the respondents also kidnapped her brother and threatened the appellant as well.

3. After a full dress trial, the respondents were acquitted vide the judgment impugned.

4. I have heard the appellant in person, who is a practicing advocate as well as the learned Addl.P.G. My observations are as follows.

5. The appellant has shown little or no interest in pursuing the appeal. On 11.11.2019 when the case was fixed for hearing, she had been categorically informed that no further adjournments would be granted in the case. Today too, however, she sought an adjournment exclusively on the ground that she was an advocate. However, when her request for an adjournment was turned down she argued the case herself.

6. It appears that at the heart of this case is a dispute between the appellant and her sister over a family property. The appellant did not controvert that she had testified at trial that she had not entered into agreement with Khalid and that the property in question was sold 8 years ago. Neither did she dispute that she had not initiated any legal proceedings in regard to the non-payment, if any, of the sale consideration. She also did not dispute that when the registration of the title document of the property had taken place she had not raised any objection. She has also not denied that none of the prosecution witnesses had testified in her favour as regards the alleged threats given to

her by the respondents. No mis-reading or non-reading of evidence has been pointed out nor has any jurisdictional issue been raised. No ground has been raised or argued which would merit interference with the judgment of the learned trial court. Needless to say a double presumption of innocence also works in favour of the respondents. It appears that the only motive perhaps to linger on with these proceedings is that the proverbial Sword of Damocles keeps hanging over the heads of the respondents. This would tantamount to an abuse of the process of law.

7. Above are the reasons for my short order of 09.12.2019 in terms of which this appeal was dismissed.

JUDGE