

**IN THE HIGH COURT OF SINDH AT KARACHI***Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J*

Criminal Acq. Appeal No. 381 of 2019

Appellant : Saqib Shah  
through Mr. Fahim Zia, Advocate

Respondents : The State & others  
through Mr. Ali Haider Saleem, Addl.P.G.

**JUDGMENT**

Omar Sial, J: Saqib Shah has impugned a judgment dated 1-6-2019 rendered by the learned 1<sup>st</sup> Additional Sessions Judge, Karachi Central. In terms of the said judgment Shahab Hussain and Imtiaz @ Sajjad were acquitted in a case arising from F.I.R. No. 267 of 2013 registered under sections 302 and 34 P.P.C. at the Azizabad police station in Karachi.

2. A brief background to the case is that the aforementioned F.I.R. was lodged on 26-11-2013 by A.S.I. Muhammad Riazuddin on behalf of the State. He recorded that he was on duty when he was informed that a person had sustained a fire arm injury on his head and that the injured had been taken to hospital. When the police officer reached the hospital he was told that an injured named Anus Saqib had been brought to the hospital with a fire arm injury but that he had subsequently expired. The body was handed over to the father of the deceased namely Saqib Shah who declined to register a case against anybody nor did he permit a post mortem to be conducted. The police subsequently learnt that the deceased was going on a motorcycle when he was shot by two unknown boys on a motorcycle.

3. The two respondents in this appeal were arrested in another case under the Sindh Arms Act 2013 and while in custody in that case confessed their guilt in the murder of Anus Saqib.

4. We have heard the learned counsel for the appellant as well as the learned Addl P.G. Our observations are as follows.

5. At the outset we asked the learned counsel to point out the defect or infirmity in the impugned judgment with which he was aggrieved. While the learned counsel submitted that the respondents had been identified in an

identification parade he was unable to point out to any non-reading or mis-reading of evidence in paragraphs 17 to 24 of the impugned judgment. He could also not satisfy us that there is any jurisdictional issue with the impugned judgment or that the same is capricious, perverse or arbitrary.

6. We note that the learned judge has quite comprehensively covered not only the aspect of the identification parade but other grounds as well on which he has based his judgment to acquit the respondents. No argument has been raised which would merit an interference with the impugned judgment. Needless to say a double presumption of innocence also works in the favour of the respondents.

7. In view of the above, the appeal stands dismissed.

JUDGE

CHIEF JUSTICE