

Judgment Sheet

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Cr. Acquittal Appeal No. S – 20 of 2022

1. For orders on office objection.
2. For orders on MA No.710/2022
3. For hearing of main case.

Date of hearing: **17.10.2022.**

Date of judgment: **17.10.2022.**

Mr. Saifullah Soomro, Advocate for the appellant.  
Syed Sardar Ali Shah, Additional Prosecutor General.

**J U D G M E N T**

**NAIMATULLAHPHULPOTO, J.**– Respondent / accused Fazal Hayat was tried by Civil Judge & Judicial Magistrate-III (MCTC) Sukkur, in Criminal Case No. 227 of 2021 arising out of crime No. 22/2021 registered at Police Station ‘B’ Section Sukkur for offence under Section 489-F PPC. On the conclusion of the trial, respondent / accused was acquitted by the trial Court vide judgment dated 05.01.2022 mainly for the reasons mentioned in paras No.9 and 10 of the impugned Judgment.

2. Learned advocate for appellant / complainant submits that trial Court has failed to appreciate the evidence and acquittal has been ordered without considering the material evidence.

3. Learned Additional Prosecutor General present in Court waives the notice and argued that in the impugned Judgment trial Court has mentioned that PW Muhammad Mehfooz (Bank Manager Meezan Bank) has deposed before trial Court that subject cheque was neither issued by Meezan Bank nor was bounced. Learned Additional P.G submits trial Court has rightly ordered acquittal of respondent / accused.

4. I have carefully heard the learned counsel for the appellant, Additional Prosecutor General and scanned the entire evidence available on the record.

5. The close scrutiny of the evidence reflects that learned trial Court has rightly appreciated prosecution evidence and acquitted the

respondent / accused for the reasons that complainant had deposed before trial Court that cheque was issued in the name of his sons. PW Muhammad Mehfooz (Manager Meezan Bank) deposed before trial Court that cheque in question was neither issued by the Bank nor it was bounced.

6. It is settled principle of the law that this Court is always slow in interfering with the appeal against acquittal for the reasons that principles for appreciation of the evidence in the case of appeal against acquittal and appeal against conviction are entirely different. Moreover, after acquittal of the accused, there is double presumption in favour of the accused. Reliance is placed upon the case reported as Zaheer Din v. The State (1993 SCMR 1628) and State v. Government of Sindh through Advocate General Sindh, Karachi v. Sobharo (1993 SCMR 585).

7. In view of my above discussion I have come to the conclusion that judgment of the trial Court is based upon sound reasons. No gross misreading of evidence, resulting in miscarriage of justice is pointed out by counsel for appellant. Neither the findings of the trial Court are artificial nor perverse; hence, no interference is required.

8. For the foregoing reasons, the instant appeal against acquittal merits no consideration and the same is dismissed.

J U D G E

