

**IN THE HIGH COURT OF SINDH, KARACHI**  
Special Criminal Acquittal Appeal No. 11 of 2020

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Date Order with signature of Judge

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**Appellant:** Director, Directorate General of Intelligence and Investigation-FBR Through Mr. Khalid Rajpar, Advocate.

**Respondent:** Mansoor Qadir Lashari,

**Date of hearing:** 23.01.2023.

**Date of Order:** 23.01.2023.

**ORDER**

**Muhammad Junaid Ghaffar, J.-** Through this Acquittal Appeal, the Appellant has impugned judgment dated 31.08.2020 passed in Case No. 40 of 2017 by the Special Judge (Customs, Taxation & Anti-Smuggling) Karachi in respect of an FIR No. M-2243/DCI/Seiz/2016 registered under Section 156(1)(8) & (89) of the Customs Act, 1969, whereby, the Respondent was acquitted.

2. Heard learned Counsel for the Appellant and perused the record. The case as set-up by the Appellant was that a Vehicle bearing registration No.BF-8447 was intercepted by them as it was allegedly a smuggled Vehicle. Matter was contested by the Respondent and some registration documents were also brought on record; whereas, the Appellants case was that these documents were forged. However, the impugned judgment reflects that none of the witnesses or prosecution ever deposed that the documents on which the respondent had relied upon were forged, nor any witness was summoned or produced from the Motor Registration Authority. It has further come on record that at the time of interception of the vehicle and its seizure, there were two persons sitting in the vehicle; out of which, one was let off and nothing has been placed on record that who was that person and why the said person was let off. Moreover, it has come on record that the respondent was not the

owner of the vehicle as the documents are in the name of another person, which according to the respondent was the person who was let off. There is nothing on record to justify this conduct of the prosecution. On perusal of the impugned judgment and evidence so discussed, it appears that learned Trial Court has come to a correct conclusion on the basis of available evidence in acquitting the respondent.

3. Lastly, it is well settled by now that in criminal cases every accused is innocent unless proven guilty and upon acquittal by a court of competent jurisdiction such presumption doubles. Very strong and cogent reasons are required to dislodge such presumption<sup>1</sup>. It is further settled that acquittal carries with it double presumption of innocence; it is reversed only when found blatantly perverse, resting upon fringes of impossibility and resulting into miscarriage of justice. It cannot be set aside merely on the possibility of a contra view<sup>2</sup>. A judgment of acquittal should not be interjected until findings are perverse, arbitrary, foolish, artificial, speculative and ridiculous<sup>3</sup>. Interference in a judgment of acquittal is rare and the prosecution must show that there are glaring errors of law and fact committed by the Court in arriving at the decision, which would result into grave miscarriage of justice; the acquittal judgment is perfunctory or wholly artificial or a shocking conclusion has been drawn<sup>4</sup>.

4. In view of hereinabove facts and circumstances of the case, no case for indulgence is made out. The appeal appears to be misconceived and is hereby dismissed in *limine*.

**J U D G E**

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<sup>1</sup> Zaheer Sadiq v Muhammad Ijaz (2017 SCMR 2007)

<sup>2</sup> Muhammad Shafi alias Kuddoo v The State (2019 SCMR 1045)

<sup>3</sup> Syed Sadam Hussain v Faisal Shah (2019 YLR 1292)

<sup>4</sup> The State v Abdul Khaliq (PLD 2011 SC 554)