

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Acquittal Appeal No.S- 176 of 2022

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| Date of hearing | Order with signature of Judge. |
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Heraing of Case

- 1.For orders on office objections.
- 2.For hearing of main case

13-02-2023

Syed Jaffar Ali Shah, Advocate for the appellant.
Mr. Imran Mobeen Khan, Assistant P.G for the State.

ORDER

This Crl. Acquittal Appeal is directed against the judgment dated 29.11.2022, passed in Crl. Case No.67 of 2022 (re: *State Vs. Dadan Khan and another*) arising out of Crime No.84 of 2022, registered at P.S, Naushehro Feroze under Sections 337A(i), 337F(ii), 337F(v), 337L(ii), 504 & 34 PPC, whereby learned Judicial Magistrate, Naushehro Feroze acquitted the respondents No.2&3 of the charge.

2. Briefly stated the facts of the prosecution case are that on 18.11.2021 at about 0945 hours, complainant Ayaz Ali was present at his land situated in Deh Machur with his brother Riyaz Hussain, where accused Dadan Khan with axe and Farooq Ahmed with spade attacked upon complainant and his brother with axe and spade and used abusive language so also extended threats of life. Consequently, above FIR was lodged.

3. After completing investigation, police submitted final report, whereupon learned trial Court took cognizance and after framing of charge, to which respondents No.2&3 pleaded 'not guilty', learned trial

Court recorded evidence of prosecution witnesses so also statements of accused persons in terms of Section 342 Cr.P.C and on the assessment of evidence on record, learned trial Court acquitted respondents No.2&3 vide impugned judgment.

4. Heard learned counsel for the appellant, learned APG and perused the material available on record.

5. It appears from the perusal of record that there is family dispute between complainant and respondents / accused, as the complainant sold out his land to one Shabir Ahmed and same was purchased by accused Dadan Khan, on that complainant was annoyed. The alleged offence took place on 18.11.2021, but the FIR was recorded on 24.03.2022 after delay of four months and no plausible explanation has been furnished by the complainant in this regard. Admittedly, there is no independent witness of the occurrence. The injuries allegedly received by the complainant and other injured are not duly supported with their medico-legal reports, as such learned trial Court rightly recorded acquittal of the private respondents. Hence, instant Crl. Acquittal Appeal being devoid of any merit is **dismissed** accordingly.

JUDGE