

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Acquittal Appeal No.S- 118 of 2023

Appellant/complainant:	Mst. Sumera daughter of Hafeez bycaste Solangi Through Mr. Achar Khan Gabole, advocate.
The State	Through Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.
Private respondents :	2. Abdul Hafeez. 3. Dhani Bux. 4. Rehmatullah All sons of Fakir Muhammad 5. Zubair Ahmed s/on Dhani Bux. 6. Riaz Ahmed s/o Rehmatullah.
	All bycaste Solangi, Resident of village Rawal Solangi, Taluka Bhiria, District Naushahro Feroze. Through Mr. Muhammad Qayyum Arain, advocate.
Date of hearing	: 02-11-2023.
Date of decision	: 02-11-2023.

JUDGMENT

IRSHAD ALI SHAH, J.- It is alleged that the private respondents abducted the appellant to get her marry against her wishes and then let her go back to her house on pressure created by her relatives, for that they were booked and reported upon by the police. On conclusion of trial private respondents were acquitted of the charge by learned 1st Additional Sessions Judge (MCTC) Naushahro Feroze vide judgment dated 18-08-2022, which is impugned by the appellant before this Court by preferring the instant Crl. Acquittal Appeal.

2. It is contended by learned counsel for the appellant that learned trial Court has recorded acquittal of the private respondents contrary to the evidence brought on record; therefore, their acquittal is to be examined by this Court, which is opposed by learned DPG for the State and learned counsel for the private respondents by supporting the impugned judgment by contending that it is well reasoned.

3. Heard arguments and perused the record.

3. The appellant has alleged her abduction against her own father; such allegation it is said she has leveled against her father at the instance of her mother, who was divorced by her father. Be that as it may, the FIR of the incident has been lodged with delay of about 15 days; such delay having not been explained plausibly could not be over looked, it is reflecting consultation and deliberation. In these circumstances, learned trial Court was right to record acquittal of the private respondents by extending them benefit of doubt by way of impugned judgment, which is not found arbitrary or cursory to be interfered with by this Court by way of instant CrI. Acquittal Appeal.

5. In case of *State and others vs. Abdul Khaliq and others* (PLD 2011 SC-554), it has been held by the Apex Court that;

“The scope of interference in appeal against acquittal is most narrow and limited, because in an acquittal the presumption of innocence is significantly added to the cardinal rule of criminal jurisprudence, that an accused shall be presumed to be innocent until proved guilty; in other words, the presumption of innocence is doubled. The courts shall be very slow in interfering with such an acquittal judgment, unless it is shown to be perverse, passed in gross violation of law, suffering from the errors of grave misreading or non-reading of the evidence; such judgments should not be lightly interfered and heavy burden lies on the prosecution to rebut the presumption of innocence which the accused has earned and attained on account of his acquittal. 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. Judgment of acquittal should not be interjected until the findings are perverse, arbitrary, foolish, artificial, speculative and ridiculous. The Court of appeal should not interfere simply for the reason that on the reappraisal of the evidence a different conclusion could possibly be arrived at, the factual conclusions should not be upset, except when palpably perverse, suffering from serious and material factual infirmities”.

6. In view of the facts and reasons discussed above, instant criminal acquittal appeal fails and is dismissed accordingly.

JUDGE