

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

***Crl. Acquittal Appeal. No. S-108 of 2023***

Date of hearing: 12.01.2024

Date of judgment: 12.01.2024

Mr. Ruksar Ahmed M Juneo, advocate for appellant  
/complainant  
Syed Mujahid Ali Shah, Advocate for respondents No.  
1,3, 4 and 6  
Syed Sardar Ali Shah, Addl. P.G.

\*\*\*\*\*

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

**ZULFIQAR ALI SANGI, J;** Through captioned acquittal appeal the appellant/complainant Mst. Naseeran has impugned the judgment dated 12.09.2023 passed by Additional Sessions Judge-II/Gender Based Violence Court, Sukkur in Sessions case No. 607/2002 (*Re-Lal Dino and others*) culminating from FIR No. 63/2022 for offence punishable u/s: 148, 149, 364, 511, 363, 324, 506/2, 337-H(2) PPC, whereby the respondents Muhammad Sadiq, Khaimso, Deedar, Lal Dino, Gulam Mustafa and Qurban were acquitted by extending them benefit of the doubt. Being aggrieved by the aforesaid judgment of acquittal, appellant filed captioned Criminal Acquittal Appeal.

2. The details and particulars of the F.I.R. are already available in the memo of Acquittal Appeal and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. After usual investigation, the case was challaned. By completing legal formalities, the trial Court framed the charge to which accused pleaded not guilty and claimed trial.

4. The prosecution in order to prove the case, examined 8 witnesses who all produced certain documents and items in support of evidence. Thereafter, the side of the prosecution was closed.

5. The accused/respondents were examined in terms of Section 342 Cr.PC, wherein they had denied the allegations leveled against them and pleaded their innocence.

6. Trial court after hearing the learned counsel for the parties and on assessment of evidence, by judgment dated 12.09.2023, acquitted the accused/respondent as stated above. Hence, this acquittal appeal.

7. Heard and perused.

8. It is observed that the presumption of innocence applies doubly upon acquittal, and that such a finding is not to be disturbed unless there is some discernible perversity in the determination of the trial Court that can be said to have caused miscarriage of justice. The 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, the factual conclusion could possibly be arrived at, the factual conclusion should not upset, except when palpably perverse, suffering from serious and material factual infirmities as has been held by the Supreme Court in case of state v. Abdul Khaliq (PLD 2011 Supreme Court 554).

9. The evidence so produced by the complainant Mst. Naseeran, Imam Bux, Mukhtiar Ali and victim Mst. Sajida is reassessed and found that the trial Court has correctly identified the contradictions in their evidence and has assigned reasons in the impugned judgment properly, resulting to the acquittal of accused/respondents on that basis which in my view is a correct assessment of the trial Court which cannot be interfered by this Court in view of the above settled principle of Supreme Court. Accordingly, acquittal recorded by the trial Court in favour of respondents/accused named above in impugned judgment dated 12.09.2023, is maintained. As such, the appeal against acquittal being without merits is dismissed.

**J U D G E**