



3. Learned Additional P.G for the State who is assisted by respondent Wazir Ali by supporting the impugned judgment has sought for dismissal of instant Crl. Acquittal Appeal by contending that the very cheque is appearing to have been tempered with.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged by the appellant after due consultation with his elders; such consultation could not be overlooked. Nothing has been brought on record which may suggest that any of the private respondents was legally competent to make appointment of Civil Servant that too other than the merit by accepting money; therefore, issue of making payment to them for the purpose could hardly have arose. Apparently, the subject cheque has been tempered with. The very case on investigation was also recommended by the police to be cancelled under "C" class. In these circumstances, learned trial Magistrate was right to record acquittal of the private respondents by accepting their plea of innocence by extending them benefit of doubt; therefore, their acquittal is not found arbitrarily or cursory to be interfered with by this Court by way of instant Crl. Acquittal Appeal.

6. In case of *State & others vs. Abdul Khaliq & 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 actual infirmities”.*

7. In view of above, instant criminal acquittal appeal fails and is dismissed accordingly.

JUDGE

Nasim/P.A