

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Acquittal Appeal No.S- 56 of 2023

The appellant:	Nasrullah son of Attaullah by caste Sirohi through Mr. Rukhsar Ahmed Junejo, , advocate.
Private Respondent:	Through Mr. Shewak Ram Valencha, advocate.
The State.	Through Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.
Date of hearing	: 15-03-2024.
Date of decision	: 15-03-2024.

J U D G M E N T

IRSHAD ALI SHAH, J.-. The private respondent was charged for having committed an offence u/s 489-F PPC and on conclusion of its trial was acquitted by learned IIIrd Judicial Magistrate/ (MTMC) Sukkur vide judgment dated 15-05-2023, which is impugned by the appellant before this Court by preferring the instant CrI. Acquittal Appeal.

2. It is contended by learned counsel for the appellant that learned trial Magistrate has recorded acquittal of the private respondent on the basis of misappraisal of evidence; therefore, it is to be examined by this Court, which is opposed by learned Additional P.G for the State and learned counsel for the private respondent by supporting the impugned judgment.
4. Heard arguments and perused the record.
5. The action is delayed considerably. Apparently, the appellant and the private respondent were having a business transaction with each other. The subject cheque is alleged to have been tampered with after having been misused by the appellant. In these circumstances, learned trial Magistrate was right to record acquittal of the private respondent by accepting his plea

of innocence by extending him benefit of doubt; therefore, his acquittal is not found arbitrarily or cursory to be interfered with by this Court by way of instant CrI. 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