

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD.**

Criminal Acquittal Appeal No.D- 24 of 2020  
Criminal Appeal No.S- 46 of 2020

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DATE

ORDER WITH SIGNATURE OF JUDGE

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16.02.2022.

Syed Muhammad Waseem Shah, Advocate for appellant / complainant in Criminal Acquittal Appeal No.D-24 of 2020.

Mr. Shewak Rathore, D.P.G for State.

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Through impugned judgment dated 24.01.2020 appellant Jamal Khan son of Murad Khan was convicted under Section 302(b) PPC and sentenced to imprisonment for life and to pay the compensation of Rs.500,000/- (Rupees five lac) to be paid to the legal heirs of deceased. In case of default in payment of compensation accused was ordered to undergo SI for one year more whereas the respondents / accused Muhammad Gul, Qaim Khan and Sohbat Khan were acquitted of charge by the trial court. The appellant / accused Jamal Khan who was convicted by the trial court has filed Criminal Appeal No.S-46 of 2020 whereas appellant / complainant Ali Haider being aggrieved and dissatisfied with the judgment of trial court has filed appeal against acquittal. Record reflects that the role assigned to the respondents Muhammad Gul and Qaim Khan is of making aerial firing at the time of incident. So far role against respondent No.3 Suhbat Khan is concerned, it is submitted that he had abetted the main accused in the commission of offence. **It may be mentioned here that both the learned counsel for the parties have agreed that criteria of interference in the**

**judgment against acquittal is not the same, as against the cases involving conviction.** In this behalf it shall be relevant to mention the judgment of Honourable Supreme in the case of THE STATE and others v. ABDUL KHALIQ and others (PLD 2011 Supreme Court 554), in which ratio of all the pronouncements / precedents was discussed and the Honourable Supreme Court laid down that **acquittal judgment should not injected until the findings are perverse, arbitrary, foolish, artificial, speculative and ridiculous**, therefore, it is imperative that in appeal against acquittal above criteria should be followed in deciding the acquittal appeal. In the present acquittal appeal, learned counsel for the appellant / complainant could not pinpoint any infirmity in the impugned judgment. It is argued by learned advocate for appellant / complainant that there was sufficient evidence against the respondents for conviction. Additional Prosecutor General argued that trial court right appreciated the evidence and for sound reasons recorded acquittal in favour of respondents. Additional P.G supported the judgment of trial court.

We have perused the impugned judgment which deals with all the points in detail. Trial court in its' judgment has mentioned that the case against respondents Muhammad Gul, Qaim Khan and Suhbat Khan is not proved at trial. No infirmity or perversity of the judgment to the extent of acquitted accused has been pointed out. We do not find otherwise any infirmity or finding of trial court artificial and speculative in deciding acquittal appeal which could require interference by this court. Resultantly, this Criminal Acquittal Appeal is dismissed. The connected Criminal Appeal No.S- 46 of 2020 by which the appellant Jamal Khan has been convicted under impugned judgment would be heard by Single Bench and would be decided on its' own merits. We are

supported in our view by the orders passed by this court in Criminal Acquittal Appeal No.D-213 of 2004 and Criminal Appeal No.S-202 of 2004 dated 07.05.2009.

Criminal Appeal No.S-46/2020 filed by appellant Jamal Khan shall be fixed before S.B after four (04) weeks, as per Roster.

JUDGE

JUDGE

Tufail