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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Acquittal Appeal Nos.S-50, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63,
64, 65, 66, 67, 68, 69 of 2016.

Date	Order with signature of Hon'ble Judge
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1. For orders on M.A No.3639/2016.
2. For hearing of case.
3. For hearing of M.A No.3640/2016.

09.3.2018.

Mr. Muneer Ahmed Khokher, advocate for the appellant.

Mr. Habibullah G. Ghouri, advocate for the respondents.

Mr. Khadim Hussain Khoonharo, Addl.P.G.

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After hearing the parties at length, it has surfaced that in Cr. Acquittal Appeals Nos. 50, 52, 53, 54, 55, 56, 58, 59, 60, 61 and 62 of 2016, the direct complaint under section 502-A, PPC was filed against the accused after two years of publication allegedly causing defamation to the appellant. Such afflux of time i.e. two years has significance, which in the case of defamation cannot be ignored. Therefore, the order of acquittal in these appeals seems to be unexceptionable, which due to above reasons has not been controverted by learned Counsel for the appellant. Resultantly the finding of acquittal recorded by the trial Court in all the above cases is upheld and the acquittal appeals dismissed. However, in the remaining seven Cr. Acquittal Appeals Nos.63, 64, 65, 66, 67, 68 and 69 of 2016, the direct complaint was filed within one or two months of the publication purportedly defaming the appellant. During preliminary enquiry prima facie some evidence has come on record in support of the said accusations, but the trial Court without adverting to the statements of the witnesses recorded in the preliminary enquiry acquitted the accused. Although the law requires, for which a reference can be made to a reported case in 2008 SCMR 383 that in

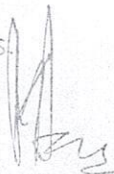


such a situation, the complainant shall be given a fair opportunity of proving his allegations.

Therefore, accordingly, with the consent of all the parties present, the judgment in those seven appeals is set aside and the said cases are remanded back to the trial Court to record the evidence of material witnesses first within four months and thereafter the respondents would be at liberty to move a fresh application U/S 265-K Cr.P.C, if so advised, which if filed shall be decided on its own merits and in accordance with law.

It is further observed that the dismissal of above 11 criminal acquittal appeals with consent of parties would not affect the merits of remaining 7 cases remanded back to the trial Court for trial.

All the appeals are disposed of in the above terms.


JUDGE 09-03-2018