

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Acquittal Appeal No. S- 88 of 2022

21.09.2026

Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

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JUDGEMENT

ZULFIQAR ALI SANGI J:- The captioned appeal is directed against the judgment dated 02.03.2022 passed by learned Civil Judge & Judicial Magistrate-II, Hala in Criminal Case No.99 of 2020 arisen out of Crime No.129 of 2020 registered u/s 427, 147, 148, 149, 403, 337-H(ii), 504, 506/2, 379 PPC at PS Hala New, whereby the learned trial Court after hearing the learned counsel for the parties, acquitted the respondents/accused u/s 245(1) Cr.P.C of the charge by extending them benefit of doubt.

2. Brief facts of the prosecution case are that Complainant Waheed Ali Memon registered an FIR alleging that while constructing a boundary wall on his land, armed accused including Sono Bagri, Knahyo Bagri, Soomar Bagri, and Wali Ram Bagri along with 14/15 accomplices, threatened his guard, demolished the wall, assaulted him, robbed his gold chain, and fled-away after firing into the air to intimidate him.

3. After framing the charge against accused, the trial Court examined as many as evidence of four (04) witnesses and thereafter, statements of accused as required u/s 342 Cr.P.C. were recorded, wherein they denied the prosecution allegation and pleaded their innocence. However, neither they examined themselves on Oath nor produced any witness in their defence.

4. Thereafter, as stated above, after hearing the learned counsel for the parties, the learned trial Court acquitted the respondents/accused through impugned judgment dated 02.03.2022, hence this Criminal Acquittal Appeal.

5. It appears that this Criminal Acquittal Appeal was presented / instituted on 06.04.2022; however, since then, same has repeatedly been adjourned from time to time on one ground or another and today, again Mr. Taj Muhammad Memon Advocate holds brief for

learned counsel for appellant. Since this acquittal appeal pertains to year 2022 and is pending without any useful progress; hence, I have perused the material available on record with able assistance of learned D.P.G for State.

6. From perusal of the record, it appears that no specific role of demolishing the walls has been attributed to any of the respondents/accused. Although, the complainant has alleged that 14/15 persons were present along with the respondents/accused and demolished the wall, however, no specific overt act in this regard has been attributed to any particular accused. Even otherwise, the complainant has stated in his evidence that the accused persons remained present at the place of occurrence for about 20/30 minutes and made aerial firing; however, no independent witness has been cited or examined by the prosecution to corroborate the version of the complainant in this regard.

7. The record further reflects that the accused/respondents were allegedly armed with weapons and made firing towards the complainant party; nevertheless, no injury whatsoever was caused to any member of the complainant party. It is also noted that the complainant claimed that during the occurrence, his gold chain was lost; however, neither any description of the said article nor any documentary or other corroborative evidence regarding its existence, ownership or loss has been brought on record during the course of evidence. The aforesaid circumstances, when considered cumulatively, prima facie cast a reasonable doubt upon the genuineness and credibility of the complainant's version, particularly with regard to the manner and occurrence of the alleged incident.

8. I have also perused the impugned judgment and come to the conclusion that the learned trial Court has dealt with all aspect of the matter quite comprehensively in the light of all relevant laws dealing with the matter and the appellant in his appeal is unable to point out that the impugned judgment by any means suffers from any illegality or miscomprehension or non-appreciation of evidence by way of documents and evidence available on record. I am also not satisfied with any of the grounds agitated by appellant in the memo of appeal for indulgence of this Court in the matter. Therefore, I find that the impugned judgment passed by trial Court is perfect in law and facts and needs no interference by this Court.

9. As observed above, the respondents/accused have been acquitted by the competent Court of law therefore, under the law once an accused was acquitted by the competent Court of law after facing the agonies of the protracted trial then he would earn the presumption of double innocence which could not be disturbed by the appellate Court lightly. Resultantly, the instant Criminal Acquittal Appeal being devoid of merits is hereby **dismissed** along with pending application[s], if any.

JUDGE

****Hafiz Fahad****