

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
Criminal Acquittal Appeal No.S-64 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
	For order on office objection. For order on MA No.5108/2025. For hearing of main case.
21.09.2026	

Ms. Falak Gul Fatima advocate for appellant.

ZULFIQAR ALI SANGI, J: - Through this Criminal Acquittal Appeal, the appellant/complainant has called in question the judgment dated 30.04.2025, passed by the learned Judicial Magistrate-II, Tando Muhammad Khan in Criminal Case No.07/2023 arising out of Crime No.116/2022 registered at Police Station Bulri Shah Karim under sections 279, 337-G, 427, 337-F(i), 337-F(iii) and 337-F(vi), PPC, whereby respondent Muhammad Qasim was acquitted under section 245(1), Cr.P.C.

2. I have heard learned counsel for the appellant and examined the record and impugned judgment. The acquittal appeal has remained pending since May 2025 and, despite an earlier opportunity, no effective assistance was rendered on behalf of the appellant. Nevertheless, the record has been examined on its own merits.

3. The prosecution case rests mainly upon PW-2 Asif, who claimed to be an eyewitness, and PW-3 Kaleemullah, the injured. However, their testimony suffers from material discrepancies touching the very occurrence and identity of the offending vehicle. The incident is alleged to have occurred on 13.01.2022, whereas PW-3 Kaleemullah stated in his examination-in-chief that it occurred on 31.01.2022. The registration number of the alleged Mehran car is variously reflected as BMW-286, BMW-682 and BMW-826 in the evidence. Such inconsistency is not a minor discrepancy where the identity of the vehicle itself is a material ingredient of the prosecution case. There are further material inconsistencies regarding the circumstances immediately following the accident. PW-2 Asif stated that he remained at the place of

occurrence after informing the complainant, whereas the prosecution evidence regarding removal of the injured and subsequent events does not consistently establish who remained there, who arranged the vehicle, and how the occurrence was immediately reported. PW-2 admittedly neither obtained a police medical letter nor produced blood-stained clothes and did not report his own alleged injuries to the police. He further admitted that although 20 to 25 persons had gathered, none of their names was disclosed to the police or the Court and none was examined. The testimony of PW-3 is also not free from doubt. He stated that the place of occurrence was about one kilometer from his village and took four to five minutes to reach, whereas PW-2 gave the distance as about 1.5 kilometers and the travelling time as eight to ten minutes. PW-3 further admitted that he did not know whether the police visited the place of occurrence and was unable to identify whether the photographs produced before the Court actually depicted the place of occurrence. The evidence of PW-4 Muhammad Aslam, the police official who initially dealt with the injured, materially weakens rather than strengthens the prosecution case. He admitted that the roznamcha entry did not disclose with whose vehicle the accident had occurred and that, according to his proceedings, the injured did not disclose the name of accused Qasim. He further admitted that neither complainant nor injured approached the police for lodging the FIR for about 09 to 10 months.

4. The investigation also leaves significant gaps. The Investigating Officer admitted that neither the alleged car nor the motorcycle was produced before the Court; registration documents were not collected; the registration numbers were not verified from CPLC; no local witness was examined; photographs were neither sent for forensic examination nor connected with their source; and no tyre marks or blood were found at the alleged place of occurrence. He further admitted that he did not see either vehicle during investigation. Medical evidence undoubtedly establishes that Kaleemullah sustained injuries; however, the existence of injuries by itself does not establish that they were caused by respondent Muhammad Qasim while driving the alleged Mehran car in a rash or negligent manner. The essential nexus between the respondent, the vehicle and the accident remained unproved.

5. In an appeal against acquittal, the appellate Court is required to interfere only where the conclusion of the trial Court is shown to be unsustainable on the evidence. In the present case, the learned trial Court considered the entire prosecution evidence and identified several circumstances creating reasonable doubt. The contradictions concerning the date of occurrence, registration number of the alleged vehicle, distances and timings, the unexplained delay in setting the criminal law into motion, non-production of the vehicles, absence of independent eyewitnesses despite alleged availability of numerous persons at the spot, and deficiencies in investigation collectively render the prosecution version unsafe for conviction. The acquittal is thus neither arbitrary nor the result of misreading or non-reading of material evidence. Rather, the learned Magistrate has assigned cogent reasons arising from the record. The prosecution failed to prove the charge against respondent Muhammad Qasim beyond reasonable doubt, and the benefit of such doubt was rightly extended to him as a matter of right.

6. In view of above, finding no legal or factual infirmity in the impugned judgment dated 30.04.2025 warranting interference, this Criminal Acquittal Appeal is **dismissed** along with listed application. The impugned judgment of acquittal is maintained.

JUDGE