

**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**  
**Crl. Misc. Application No.S-58 of 2024**

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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1. For hearing of main case.  
06.05.2024  
Applicant Nadeem Jat in person.  
Mr. Muhammad Ilyas Dars, Advocate for the respondents No.1 to 3.  
Mr. Nabi Bux Narejo, Advocate for the respondents No.06 to 16.  
Mr. Dhani Bakhsh Mari, Assistant Prosecutor General, Sindh.

**ORDER.**

**Amjad Ali Sahito, J** Through this Criminal Miscellaneous application, the applicant has impugned order dated 11-01-2019 whereby learned Judicial Magistrate-III, Mirpurkhas, disposed of case bearing Crime No. 115/2018 of P.S Satellite Town Mirpurkhas, under “B” class.

2. The applicant is present and states that accused have committed cheating and fraud with him and by manipulating false signatures on his cheques withdrew the amount lying in his account. He further submits that gold ornaments also missed from the locker of the bank, as same was stolen by the bank officials. He submits that impugned order may be set aside.

3. Mr. Muhammad Ilyas Dars advocate filed *Vakalatnama* on behalf of respondents No.1 to 3 (bank officials), whereas Mr. Nabi Bux Narejo advocate is appearing on behalf of private respondents. Both learned counsel supported impugned order and stated that thorough investigation was conducted by the I.O in the case and case of the applicant was rightly disposed of under “B” class and supported the impugned order passed by the learned Magistrate.

4. Learned A.P.G also supported the impugned order.

5. Perusal of record, it reflects that complainant/ applicant Nadeem Jat lodged F.I.R on 05-12-2019, stating therein that he was doing business of property and he got share from his father's property in the sum of Rs.50,00,000/= in shape of property and gold ornaments. He opened locker No.218 at H.B.L Bank branch-1668, Satellite Town and kept gold ornaments, cash amount, registry documents of plots No.64,62,53 of Ume Hani Town Mirpurkhas, two cheque books of account No. 16687901043803 and 79003533091 of HBL Bank in his locker since 02 years. He has key of locker but same was missed from his house and he tried to find out the key. In the month of January, 2018, he found the key of the locker in his house. Then he went to bank and checked his locker and saw gold ornaments, registry documents of plots and two cheque books were missing from the locker. Thereafter, he inquired from the bank staff i.e. Bank Manager Waheed, Bank Manager Shahzad, Assistant Manager Raees, Assistant Manager Locker Operator Sabir Baig and Mst. Nazia but they did not have any answer to him. Then he moved applications to higher officers whereupon accused namely Akhter, Muhammad Ismail, Muhammad Samran, Ibrahim, Asif, Haji Liaquat, Aijaz, Bin Yameen, Bilal and Dr. Abdul Kareem issued threats to him. Then he moved application before District and Sessions Court, Mirpurkhas and 1<sup>st</sup> Additional Sessions Court, Mirpurkhas. 1<sup>st</sup> Additional Sessions Court, Mirpurkhas, issued letter to the complainant for FIA Hyderabad. It is mentioned in FIR that on the letter of F.I.A complainant obtained bank statement and he came to know that Bilal Ahmed, Akhter and Bin Yameen with the involvement of bank staff withdrew the cash from the account. On the order passed on application u/s 22-A and B Cr.P.C he got lodged FIR.

6. I have heard applicant in person and learned counsel for the respondents and learned A.P.G so also gone through available record, it appears that incident has taken place between 22-03-2017 to 28-03-2017, whereas claim of the applicant/ complainant is that he has hired the locker and paid the rent of locker on 06-05-2017 i.e. after two months of alleged incident. I.O of the case also inspected the bank and prepared memo of place of incident/locker of the bank and found cheque book of account No.16687901043803 (two cheques in cheque book) and other cheque book account No. 16687900353301 having 22 cheques. Further, the applicant/ complainant has disclosed that incident has taken place on 22-03-2017, 28-03-2017 and 24-08-2017 but the Investigating Officer of the case produced evidence regarding statement of both accounts of the applicant, which shows that on 03-04-2017 the applicant/ complainant debited amount of Rs.50,000/= from his account through cheque and same was transferred to the account No.1668790092903. The applicant/ complainant raised plea that his key of the locker was missing and was not found from his house. When it was confronted to the applicant present in Court whether he lodged any NC report in this regard at P.S concerned then he submits that this fact has not been disclosed by him to the I.O, who lodged the FIR bearing Crime No. 115/2018 and it was informed to him (applicant) that he has also signed the FIR, but he denied from signature. However, from perusal of impugned order, it reflects that on information furnished by the applicant, FIR was lodged by SIP Muhammad Muqem at P.S Satellite Town being Crime No.115/ 2018 and after thorough investigation of the case, it was disposed of under "B" class. Sufficient documentary evidence was collected by the I.O of the case. It is

appropriate to re-produce paragraph No.5 of the impugned order as under:-

After hearing the I.O, the complainant, I have also perused the record. The perusal of record reveals that I.O has inspected the locker and found cheque books and other documents. Complainant has disclosed the date of incident 22-03-2018, 28-03-2017, 24-08-2017, but I.O has produced the bank account statement of both account of complainant. The bank statement of account No.1668-790035533-01 which show on 03-04-2017 complainant debited amount Rs.50,000/= from his account through cheque and same was transferred to account No. 1668790092903. On 28-07-2017, cheque book issued to account holder. Further bank statement of same account No.1668-790035533-01 show on 16-05-2017, key of locker No.00218 deposited to account holder and rent of lockers (locker charges) was deposited from his account. It shows that complainant has hired the locker on 16-05-2017. Locker application form also available on the record which shows complainant applied for locker on 16-05-2017. Complainant has raised the plea that his key of locker was missing and same was found from his house but complainant neither informed to the bank for missing his key of locker nor he complained to police. As per statement of Bank Manager that complainant himself has using the locker. The accused Shahzad has been posted in HBL Satellite branch on 08-01-2018. I.O has also produced the photo copy of sale deed of plot No. 62 which was executed on 22-03-2017 and complainant has sold the plot to Bilal.

7. In view of above, no illegality or irregularity has been pointed out by the applicant in the impugned order; resultantly instant application is dismissed and impugned order is maintained.

**JUDGE**

*\*Saleem\**

