

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Cr. Acquittal Appeal No.483 of 2024**  
 (Syed Shahzad Ali vs. The State & others)

**Cr. Acquittal Appeal No.484 of 2024**  
 (Muhammad Irfan vs. The State & another)

**Cr. Acquittal Appeal No.185 of 2025**  
 (The State through Assistant Attorney General vs. Syed Ahmed Farooq)

**Cr. Acquittal Appeal No.186 of 2025**  
 (The State through Assistant Attorney General vs. Syed Ahmed Farooq & others)

**Present:**

Mr. Justice Muhammad Iqbal Kalhoro  
 Mr. Justice Syed Fiaz-ul-Hassan Shah

**Date of hearing**  
**& order**      **24.02.2026**

M/s. Syed Shahbal Ali and Osama Soomro, advocate for appellant in Cr. Acc. Appeal No.483/2024 and for respondent No.2 in Cr. Acq. Appeal No.484/2024

Mr. Rashid Mehmood, advocate for respondents

Mr. Saleem Ahmed, advocate holding brief on behalf of Mr. S. Mahmood Alam Rizvi, advocate for respondent

Ms. Shazia Hanjrah, DAG for appellant in Cr. Acq. Appeals No.185 & 186/2025 and for respondent No.1 in Cr. Acq. Appeals No.483 and 484/2024

**J U D G M E N T**

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**Muhammad Iqbal Kalhoro, J:-** The impugned order was passed by the Special Court (Offences in Banks) Sindh at Karachi, on two applications u/s 4 of the offences in Respect of Banks (Special Courts) Ordinance, 1984 and application u/s 249-A Cr.PC moved by the respondents. In terms of application u/s 4 of the Ordinance, 1984, the Court concluded that it had no jurisdiction, as the allegations did not constitute an offence in respect of, or concerning with the bank, and hence, exercising powers u/s 249-A Cr.PC acquitted respondents.

2. The appellant / complainant has challenged this order on the grounds, among others, that a Divisional Bench of this Court has already decided this point in its judgment dated 24.01.2024, passed in Criminal Revision Application No.15/2023. The relevant observations in para-5 are reproduced as under:-

“Now to address the objection regarding jurisdiction of the Banking Court, Banking Courts are competent to try scheduled offences as set out in article 3 of the Ordinance. Article 2(d) defines scheduled offences as an offence specified in the First Schedule when committed “in respect of, or in connection with the business, of a bank.” The offences punishable under the PPC involved in the FIR herein are available in the first schedule of the Ordinance and the term “in connection with” is often substituted with “concerning” which, the term, is defined in the legal context as “relating to; pertaining to; affecting; involving; being engaged in or taking part in.” The act of the applicant in aiding maintenance of bank accounts based on forged documents and supplying the cheque which was then deposited in two scheduled banks satisfies, to a sufficient degree, the requirement of bringing his case within the ambit of an offence triable by Banking Courts.”

3. Learned counsel for the respondents, however, has submitted that jurisdiction was not the only question, but the documents he had produced before the Court helped the Court infer that the charge against the respondents was groundless or there was no probability of their conviction on the basis of such charge.

4. We have gone through the entire record. The allegations against the respondents in brief are of opening a fake bank account of a dummy company and through which siphoning off the amounts. We have seen the impugned order and did not find a single paragraph or observation relevant to such allegation or any considering of any document submitted by the respondents establishing their innocence, or even a reference to the grounds of section 249-A Cr.PC. It is settled proposition of law that to acquit an accused u/s 249-A Cr.PC, presence of grounds i.e. either charge is groundless, or there is no probability of conviction on the basis of such allegation or charge, is necessary.

5. The Special Court, while acquitting the accused, has not made any observation in regard to presence of both grounds and has simply stated that it had no jurisdiction as the offence alleged did not constitute an offence relating to or concerning the business of the bank. But the question is, if the Court had come to such a conclusion, how could it exercise the powers u/s 24-A CrPC and acquitted the respondents, instead of returning the challan to be presented in the relevant Court.

6. Learned DAG has also not supported the impugned order and has stated that view taken by the Special Court is not in accordance with law. More so, this Court has, in the aforementioned case, elaborated the point eloquently, and concluded that such cases would be tried by the Special

Court, therefore, this ground was not available to the Court to take recourse to and allow the application.

7. Since the point at hand has already been settled by this Court in aforementioned judgment, we do not want to dilate upon it any further. We are of the firm belief that view of the Special Court is not right in concluding that it lacked the jurisdiction, and then on the contrary, assuming the jurisdiction and acquitting the accused u/s 249-A Cr.PC. Therefore, we set aside the impugned order and remand the matter to the trial Court to record evidence of the material witnesses. At this stage, learned counsel for respondents has requested that sometime may be fixed for disposal of the case. The trial court is directed to expedite the trial, examine the material witnesses, and conclude the case without fail within a period of 03 months.

Appeals in hand are disposed of in above terms. Office to place a copy of this order in connected appeals.

JUDGE

JUDGE

Rafiq/PA.