

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Acquittal Appeal No.S-69 of 2024

Appellant: Umer Farooque,
Through Mr. Moin Qureshi, advocate

Respondent The state through Mr. Ghulam Abbas Dalwani,
learned D.P.G.

Date of Hearing: 13.10.2026

Date of Judgment: 13.10.2026

J U D G M E N T

Nisar Ahmed Bhanbhro, J: This is an appeal against judgment dated 21.01.2022, passed by learned Civil Judge & Judicial Magistrate-I/MTMC, Mirpurkhas, in Criminal Case No.101 of 2021, arising out of Crime No.35/2021, registered under Section 489-F PPC at Police Station Satellite Town, whereby the accused persons were acquitted of the charge.

2. Learned counsel for appellant contended that prosecution had proved its case beyond reasonable doubt through oral as well as documentary evidence. He further submitted that the issuance of cheques by the accused/respondent had not been denied and that their dishonour had also been verified by the concerned bank. therefore, he prayed that impugned judgment of acquittal be set aside and the accused persons be convicted in accordance with law.

3. On the other hand, learned counsel for accused/respondent Muhammad Shafique is called absent. Learned Deputy Prosecutor General supported the impugned judgment and contended that prosecution had failed to establish dishonest intention on the part of accused at the time of issuance of cheques. He further submitted that prosecution had failed to prove the

underlying consideration for the issuance of cheques and, therefore, the learned trial Court had rightly acquitted the accused after proper appraisal of the evidence.

4. Heard learned counsel for appellant and the learned Deputy Prosecutor General, Sindh, and perused the material available on record.

5. A perusal of the record reveals that FIR was registered after a delay of approximately three months, for which no plausible explanation has been furnished by prosecution. The prosecution was required to establish that the cheques in question had been issued dishonestly towards the discharge of a legally enforceable obligation or liability arising out of a loan transaction and the sale of motorcycles, as stated in the FIR. In this regard, the learned trial Court rightly held that the case falls short of the essential ingredients of the offence under Section 489-F PPC, which requires that the cheque instrument must be issued dishonestly towards the fulfilment of a loan or other obligation. Moreover, the cheques were issued from the account of another person, therefore, the criminal liability of the accused cannot be established on the basis of the evidence available on record.

6. No exception can be taken from the findings of acquittal recorded by learned trial Court. The acquittal of accused strengthens the presumption of innocence in his favour. In the circumstances of the case, no sufficient ground has been made out to reverse the findings of learned trial Court.

7. For the foregoing reasons, this acquittal appeal is dismissed.

JUDGE