ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Acquittal Appeal No.S-42 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE

27.10.2026

Mr. Afzal Kareem Virk advocate for the appellant.

Mr. Ghulam Abbas Dalwani, D.P.G.

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This Criminal Acquittal Appeal is directed against judgment dated 09-07-2026 passed by the court of learned Additional Sessions Judge-I/M.C.T.C Sanghar in Criminal Appeal No. 04 of 2026 Re: *Waqar Ahmed v. The State*, whereby the respondent No.1/appellant was acquitted of the charge for offence punishable under section 489-F PPC, arising out of F.I.R bearing Crime No.168/2025 of PS Sanghar and the judgment dated 19-05-2026 passed by learned Consumer Protection Court and J.M, Sanghar in Criminal Case No. 51/ 2025 Re: The State v. Waqar Ahmed was set aside and learned appellate court while disturbing the findings of learned trial court in Para No.15 and 16 of the judgment observed as under:

> *"15. In the case in hand, complainant has lodged the FIR on the basis of alleged cheques but he has not brought forward any proof, which would substantiated that the said cheque was issued for fulfillment of any obligation or repayment of loan. It is by now a well established principle of law that mere issuance of the cheque, which was subsequently dishonoured does not constitute an offence, unless it is established that the same was issued with dishonest intention for repayment of loan or for discharging of an obligation, which are missing in this case.*
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> *16. It is a settled law that U/s 489-F PPC of issuance of cheque was to be accompanied by dis-honour intent and wherein discharge of legally enforceable obligation or liability. In the present case, in absence of any agreement question arises whether there was unlawful obligation inexistence at the time of lodgment of FIR. The legislature in order to present any misuse of the said provision Section 498-F PPC imposes certain restricting to ensure that only the cases involving dishonestly and lawful obligation should be treated as an offence under the*

present law. It is settled dicta laid down by the Honourable Supreme Court that the question which are given as a security in connection with an agreement and not for re-payment of loan or any inexistence legal obligation cannot be treated as a crime U/s 489-F PPC, if the cheque dis-honoured."

2. When confronted learned counsel for the appellant contended that judgment passed by learned trial court was well reasoned and agreement for consideration against cheque has not been denied by the respondent/ accused. He, however, frankly conceded to the observation made by learned appellate court regarding proof of fulfillment of any obligation.

3. Learned D.P.G has also supported the impugned judgment of the appellate court.

4. Since no illegality or infirmity has been pointed out in the impugned judgment so also no misreading or non-reading of evidence has surfaced, therefore, this Acquittal Appeal fails and same is accordingly dismissed.

JUDGE

Saleem