IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Acquittal Appeal No.S-47/2026

Appellant:	Abdul Rasheed son of Haji Mithu Through Mr. Muhammad Sultan advocate.
Respondent No.1:	The State Through Mr. Neel Parkash Deputy Prosecutor General Sindh
Respondent No.2:	Nemo
Date of Hearing:	12.10.2026
Date of Order:	12.10.2026

O R D E R

Nisar Ahmed Bhanbhro, J: This Criminal Acquittal Appeal is directed against the order dated 17.08.2026 passed by the learned Civil Judge & Judicial Magistrate-II, Kot Ghulam Muhammad in Criminal Case No.91 of 2025 "*Re-State versus Imran"* whereby respondent No.2 was acquitted from the charge under section 245(1) Cr.P.C.

2. Facts in brief of the prosecution case are that the respondent/accused Imran issued cheque of Rs.13,00,000/- (Rupees Thirteen lacs) in favour of the appellant/complainant for consideration on account of business engagements. Investigation was followed and report under Section 173 Cr.P.C was submitted before the learned Trial Court wherein appellant produced PWs Muhammad Suleman and SIP Ghulam Hussain Laghari and appellant also examined himself. Learned trial Court appraisal of the evidence acquitted the respondent/accused on the ground that transaction was not proved as no evidence was brought on record to say that for what manners, the appellant/complainant invested an amount for business purpose to the respondent/accused. PW-2 Muhammad Suleman categorically stated that he was not aware about any transaction given by the appellant to the accused.

3. Learned counsel when confronted to such findings rendered by the learned Trial Court failed to controvert the same. Learned D.P.G supported the impugned order. Besides he has also stated that complainant initiated civil proceedings for recovery of an amount for the dishonour of cheque and dispute between the parties is of civil nature and provision of section 489-F PPC were misused.

4. Heard learned counsel for the appellant and learned D.P.G for state. Learned trial Court after material available on record observed that prosecution had failed to bring on record the manners in which investment was made. There was no eye witness to say that the amount was paid to the appellant and there was no record produced before trial Court and business between the parties. Evidence was rendered does not indulgence. This is not a matter of mis-reading or non-reading of the evidence led by the parties and learned counsel for the appellant has failed to point out any illegality or material illegality in the impugned judgment. For recovery of alleged amount, he has to approach before the competent forum under the relevant provision of law. Accordingly, the instant Criminal Acquittal Appeal stands dismissed along with listed application, if any.

JUDGE

"Chander Kumar"