THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Criminal Revision Application No.S-121 of 2026

[Muhammad Awais v. The State and others]

Applicant: Muhammad Awais s/o Muhammad Farooque
Through Mr.Abdul Raheem Memon, Advocate

The State: Through Mr.Khalid Hussain Lakho, D.P.G.
[Respondents No.1, 2 & 3] a/w DSP Ramesh Kumar, FIA, Hyderabad

Date of Hearing: **02-11-2026**

Date of Order: **02-11-2026**

O R D E R

MUHAMMAD HUMAYON KHAN-J, Through this Criminal Revision Application, the applicant has impugned the order dated 15.08.2026 passed by the learned Special Judge, Anti-Corruption (Central), Hyderabad, whereby Direct Complaint No.26 of 2025 filed by him against six officers of the Hyderabad Electric Supply Company (HESCO) was dismissed under section 203 Cr.P.C.

2. Briefly, the applicant is a Junior Engineer (BPS-17) in HESCO. His case for induction as Senior Engineer (BPS-18) against the 20% quota reserved for higher-qualified engineers was placed before the Promotion Board on 01.08.2025 and deferred. On his representation, the Departmental Grievance Redressal Committee recommended on 20.08.2025 that his M.E. (Mechatronics) be treated as a relevant qualification and the CEO, HESCO approved that recommendation on 15.09.2025; no promotion order, however, followed. The complaint alleged that on 05.10.2025 Shafique Ahmed Memon, DG (HR & Admin), HESCO, respondent No.2 in the complaint, met the applicant near Tower Market, Hyderabad, in the presence of his friend Abdul Samad and demanded Rs.1.5 million for processing his case; that the promotion orders issued on 06.10.2025 excluded him and that the demand was repeated in the office of the said officer on 08.10.2025.

3. The trial court recorded the applicant's statement under section 200 Cr.P.C. and entrusted a preliminary enquiry to the FIA, Crime Circle, Hyderabad. The Enquiry Officer recorded the statements of the applicant Abdul Samad and the Manager (HR),

HESCO, examined the departmental record and submitted his report on 24.06.2026. The trial court, on consideration of the complaint, the statements and the report, found no sufficient ground for proceeding and dismissed the complaint.

4. Learned counsel for the applicant contended that the Enquiry Officer had found the applicant's grievance to be not frivolous and had reported prima facie irregularities in the promotion process; that the trial court discarded the statement of Abdul Samad on the sole ground that the identity of the person making the demand had been disclosed to him by the applicant, although identification is a matter for trial and under Article 17 of the Qanun-e-Shahadat Order, 1984 ('**QSO, 1984**'), the testimony of a single witness suffices; that the promotion process had not concluded on 06.10.2025, as further promotion orders were issued on 13.10.2025 and that the standard at the stage of sections 202 and 204 Cr.P.C. is lighter than that at trial, whereas the trial court conducted a mini-trial.

5. Learned D.P.G., assisted by the Enquiry Officer, submitted that the enquiry had brought nothing on record beyond the word of the applicant and his friend, who could not himself identify the person making the demand and that the trial court had rightly declined to issue process on such material.

6. Heard learned counsel for the applicant, learned D.P.G and perused the record.

7. The law on the point is settled. On a complaint, the trial court must scrutinize its contents, the nature of the allegations, the material in support of them, the object intended to be achieved and the possibility of victimization and harassment, so that no person is put through the ordeal of a criminal trial without sufficient ground; the words 'if any' and 'sufficient ground' in section 203 Cr.P.C. are the safeguard which the legislature has provided and complaints that do not disclose a prima facie case must be buried at their inception **Zafar v. Umer Hayat (2010 SCMR 1816)** and **Abdul Wahab Khan v. Muhammad Nawaz (2000 SCMR 1904)**. The Supreme Court has recently reiterated these principles in **Muhammad Rajar v. The State (PLD 2025 SC 40)**, a case arising from a revision of this Court at Hyderabad and has added that the enquiry under section 202 Cr.P.C. is not a futile exercise: its result must be considered when

deciding whether or not to issue process. The question, therefore, is not whether the allegation is possible but whether the material collected furnishes sufficient ground to proceed.

8. The gravamen of the complaint is the demand of Rs.1.5 million by respondent No.2. The only witness to it, Abdul Samad, a friend of the applicant, stated before the Enquiry Officer that a person unknown to him met the applicant near the old vegetable market, that he overheard a demand of Rs.1.5 million for forwarding the promotion file and that after the person had left the applicant told him who he was. His statement, therefore, carries the allegation no further than the applicant's own word as to who made the demand, it is what the applicant told him. No one was present when the demand was allegedly repeated on 08.10.2025 and the applicant himself told the Enquiry Officer that there was no other witness and no documentary, electronic, audio or video material with him. The reliance on Articles 17 and 71 of QSO, 1984 does not advance the matter. Section 203 Cr.P.C. speaks not of the number of witnesses but of the sufficiency of the ground and a solitary witness who cannot himself say who made the demand does not supply it.

9. The circumstances bearing upon probability were rightly weighed by the trial court. The Promotion Board had met on 01.08.2025, two months before the alleged demand and the reason for deferring the applicant's case namely lack of clarity on whether Mechatronics is relevant to the Electrical/Electronics discipline, stands recorded in the findings of the Grievance Redressal Committee itself. The orders of 06.10.2025, issued the day after the alleged demand, gave effect to that Board and the orders of 13.10.2025 relate to two other officers, not to any fresh consideration of the applicant's case. Respondent No.2 was one member of a multi-member Board whose recommendations are approved by the CEO. A demand of Rs.1.5 million for 'processing' a case, said to have been made on the eve of orders already settled by a Board held two months earlier and by an officer who could not alone decide the matter, needed something more than the word of the complainant and his friend before process could issue against a serving officer.

10. The concluding remark of the Enquiry Officer about irregularities in the promotion process, on which the whole argument

rests, refers in terms to two other matters: the promotion of two officers despite a pending FIA enquiry and inconsistencies in the seniority record of a third. The report itself says that these require separate and detailed enquiry. Neither concerns a demand of gratification from the applicant. As regards the applicant's own allegation, the report records the statements and goes no further; it reaches no finding that the demand was made. Nor does the statement of the Manager (HR) assist, for he was on leave when the Board met, professed ignorance of the reasons for the deferment and did not speak of any demand at all.

11. The object of the complaint is also telling. Apart from cognizance, it prays that the applicant's suspension be rescinded, that he be reinstated with full benefits and that the respondents be directed to issue his promotion order from the date of eligibility. These are reliefs of a service nature which no criminal court can grant and a grievance that an approved recommendation has not been implemented, however genuine, has its remedy before the forum competent to deal with it, not through the criminal process. No misreading or non-reading of the material, nor any illegality or jurisdictional defect, has been pointed out which would warrant interference in revision.

12. For the forgoing reasons, the Criminal Revision Application, being devoid of merit, is **dismissed**.

JUDGE

AHSAN K. ABRO