

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Cr.Misc.A.No.557 of 2019

Before:  
Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Irshad Ali Shah

Muhammad Noman Saigal..... Applicant  
Versus  
NIB Bank Ltd. And another..... Respondent

Date of Hearing: 06.02.2020

Date of Decision: 06.02.2020

Mr. Muhammad Sharif Buriro, Advocate for the applicant.

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**ORDER**

**IRSHAD ALI SHAH, J:-** The facts in brief necessary for disposal of instant criminal miscellaneous application, as per applicant are that he is facing trial before learned Banking Court No.III, at Karachi for allegedly having issued the cheques dishonestly. The applicant by way of making an application under section 265-K Cr.P.C. sought for his acquittal mainly for the reason that the Decree for the amount under the cheques has already been passed against him by the Court having jurisdiction and complainant has failed to produce evidence before learned trial Court despite consuming six years. It was dismissed by learned trial Court. Such dismissal of his application, the applicant has impugned before this Court by way of instant criminal miscellaneous application.

2. It is contended by learned counsel for the applicant that the cheques were kept as "Amanat" with the complainant with no element of dishonesty; the Decree for the amount under the cheques

has already been passed against the applicant and the complainant has not been able to conclude the trial of the case before learned Trial Court despite consuming six years. By contending so, he sought for acquittal of the applicant as according to him there would be no probability or possibility of the applicant being convicted of the alleged offence even after trial.

3. We have considered the arguments and perused the record.

4. If it is believed that the Decree for the amount under the cheques has been passed against the applicant by the Court having jurisdiction. It is for recovery of the money under the cheques which could not absolve the applicant of the liability of the allegation of dishonesty, without recording evidence. It is settled by now that no harm would be caused to either of the party if the civil and criminal liabilities on same allegation are allowed to run side by side. No limitation is prescribed by law for conclusion of the trial in criminal cases, therefore, the applicant could hardly claim his acquittal on point of delay in trial. No wrong apparently is committed by learned trial Court while dismissing the application of the applicant for his premature acquittal, which could be made right by this Court in exercise of its inherent jurisdiction by way of instant criminal miscellaneous application. It is dismissed in limine with direction to learned trial Court to expedite disposal of the case against the applicant and to dispose it of preferably within three months after receipt of this order.

JUDGE

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