

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Revision Application No. 29 of 2020

<i>Date</i>	<i>Order with signature of Judge</i>
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1. *For hearing of Main Case.*
2. *For hearing of M.A No.1330/2020.*

11.08.2021

Mr. Rizwan Ahmed Siddiqui, Advocate a/w Applicant (on bail).
Mr. Ghulam Muhammad, Advocate along with Complainant.
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this criminal revision application, applicant/convict Muhammad Ahsan Farooq has assailed judgment dated 01.02.2020 penned down by the Sessions Judge, Karachi (East) (Appellate Court) in Criminal Appeal No.09/2020 (re-Muhammad Ahsan Farooq Versus the State) whereby appellate Court dismissed the appeal filed by applicant and maintained the judgment dated 15.01.2020 handed down by XXIIInd Judicial Magistrate/Model Trial Magistrate-II, Karachi (East) (trial Court) in Criminal Case No.1026/2019 (re-the State Versus Muhammad Ahsan Farooq) being outcome of FIR No.225/2019 of P.S Gulistan-e-Jauhar, Karachi, under Section 489-F/420/506-B PPC, who after full dress trial, has found applicant to be guilty of the charge and therefore, has convicted and sentenced him to suffer S.I for 03 years with fine of Rs.25,000/-.

2. The crux of the prosecution case are that an agreement of investment was reduced between complainant and accused on 29.01.2018, whereby complainant invested an amount of Rs.3,30,00,000/- on different occasions in the business of bird trading on profit basis. At the time of execution of agreement, accused issued a cheque leaf bearing No.47871190 amounting Rs.3,30,00,000/- of UBL Branch Gulistan-e-Jauhar, Karachi as a guarantee. The accused failed to pay the profit and committed violation of agreement of investment dated 29.01.2018, the complainant presented the

cheque before the concerned bank on 22.10.2018, which was dishonoured. Consequent upon; case was registered inter alia on the above facts.

3. After filing instant revision application, applicant was granted bail by this Court in terms of Section 426 Cr.P.C, therefore, the impugned judgments passed by the Courts below were suspended on 12.11.2020. Today, it is fixed for hearing.

4. At the very outset, learned counsel for applicant/convict files a joint application under Section 345 Cr.P.C read with Section 561-A Cr.P.C, duly signed by complainant and the accused, along with copy of settlement agreement. The application is also supported by the affidavit of the appellant as well as complainant, same is hereby taken on record. Office is directed to assign proper number to the application as per institution.

5. Ms. Rubina Qadir, Deputy P.G, Sindh, who is present before the Court, waives notice and records her no objection.

6. Learned counsel for the complainant submits that complainant has entered into compromise with accused/convict/applicant outside the Court and thereby have also executed an agreement dated 04.08.2021 which reveals that applicant/convict has issued post dated cheques in favour of the complainant for the amount to be paid by the accused, hence, complainant does not want to prosecute him anymore, therefore, has no objection if this Court by granting revision application, acquit the applicant/convict of the charges by way of compromise.

7. **Heard arguments, record perused.** Admittedly, the main offence under Section 489-F PPC is compoundable and the complainant being victim is competent to enter into compromise, therefore, there is no impediment which may hinder or restrain to grant said application. Accordingly and in view of above, application under Section 345 Cr.P.C filed by the parties today, is hereby granted. Consequently, instant revision application with the consent of parties as well learned D.P.G, is hereby allowed. Resultantly, impugned judgments viz. Judgment dated 15.01.2020 handed down by XXIIInd Judicial Magistrate / Model Trial Magistrate-II, Karachi (East) in Criminal Case No.1026/2019 (re-the State Versus

Muhammad Ahsan Farooq) and judgment dated 01.02.2020 passed by Sessions Judge, Karachi (East) in Criminal Appeal No.09/2020 (re-Muhammad Ahsan Farooq Versus the State), are hereby set-aside. Applicant/convict Muhammad Ahsan Farooq son of Muhammad Farooq is acquitted of the charge by way of compromise. He is present before the Court on bail; his bail bonds are hereby cancelled and surety is discharged.

8. The Criminal Revision Application is hereby disposed of along with pending application(s) in the terms stated above.

JUDGE

Zulfiqar/P.A