

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Cr. Misc. Appln No. 550 of 2021

Date	Order with signature of Judge
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1. For orders on office objections
2. For hearing of M.A. No.10012/2021
3. For hearing of M.A. No.10013/2021
4. For hearing of M.A. No.10014/2021

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29.11.2021

Mr. Shafqat Zaman, advocate for the applicant  
Ms. Seema Zaidi, DPG  
Mr. Muzaffar Ali Laghari, advocate for respondent No.2

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**AFTAB AHMED GORAR, J.:-** Through this criminal miscellaneous application, applicant Syed Ali Imran son of Syed Muntazir Raza assailed the orders passed by two Courts below viz-a-viz order dated 01.09.2021 passed by the IVth learned Additional Session Judge, Malir, Karachi and Order dated 29.07.2021 passed by the Model trial Magistrate Court-II/Judicail Magistrate No.9, Malir Karachi whereby the application under section 249-A Cr.P.C of the applicant was dismissed which was filed in FIR No.244 of 2020 under section 489-F PPC registered Police Station Malir Cantt.

2. Learned Counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in this case. He further contended that there is inordinate delay of about a month in lodging the FIR for which no plausible reason was given. He also contended that the FIR is in violation of principle laid down for cognizance of an offence under section 489-F PPC as the cheque was not given for repayment of loan or fulfillment of an obligation rather the cheque was issued for refund of advance token money by a seller to buyer of a property. He therefore, submitted that the impugned order may be set aside and the proceedings arising out of FIR No.244/2020 registered at Police Station Malir Cantt. may be quashed.

3. Learned Deputy Prosecutor General assisted by the learned Counsel for the complainant has opposed the instant application and added that the admittedly cheque has been given by the applicant to the complainant against satisfaction of an amount dishonestly, which on presentation bounced therefore, the impugned order is passed in accordance with law and the same should be maintained whereas the instant application may be dismissed.

4. I have heard the learned Counsel for the applicant, learned Deputy Prosecutor General, learned Counsel for the complainant and perused the record available before me.

5. The ground, which was repeatedly agitated by the learned Counsel for the applicant was that the cheque was neither issued against loan amount nor for any obligation rather the cheque was issued for refund of advance token money by a seller to a buyer of a property. Apart from what is demonstrated by the record, learned Counsel for the applicant himself agitated to show that the offence does not attract section 489-F PPC has several times said that the cheque was issued by the applicant to the complainant for refund of token money in respect of some property deal. It is also admitted fact that such given cheque on presentation was bounced due to insufficient balance in the account of the applicant. It is also fact that refunding token money means an amount which was received by the applicant and on cancellation of property deal, the applicant was under obligation to refund the amount which he did in the shape of cheque in question which was not encashed and bounced due insufficient balance, hence the contention of learned Counsel that the offence does not attract section 489-F PPC has no force.

6. Record reveals that the applicant issued the subject cheque dishonestly while knowing that there is no sufficient amount in his

account to satisfy the cheque, resultantly same bounced and gave rise to the FIR against him.

6. In view of the above discussion, I have come to the conclusion that the two Courts below have rightly dismissed the application under section 249-A Cr.P.C. of the applicant hence the order impugned in the instant application does not require any interference. This criminal miscellaneous application stands dismissed as such, along with all pending applications.

JUDGE