ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

II-Appeal No. 168 of 2019.

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| Date | Order with signature of Judge |
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For orders as to maintainability of applications.

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**03rd November 2020**

Appellant Syed Masood Ali, present in person.

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Instant second appeal is against judgments recorded by both courts below; after institution of instant appeal matter was listed on 18.11.2019, 20.01.2020 and 03.09.2020 only appellant was present, whereas counsel failed to cause his appearance. Today is similar position. Instant appeal is against concurrent judgments whereby suit for damages against step mother with regard to *malicious prosecution* was dismissed. Perusal of both judgments reflects that appellant was allegedly involved in a case of outrage of modesty of his step mother and he was acquitted under Section 249-A, hence, he seeks damages. Judgments passed by the Criminal Court under Section 249-A nowhere shows that such case initiated against the appellant was result of ulterior motive or appellant was innocent though appellant filed proceedings under Section 182 Cr.P.C. Such proceedings were also dropped and appeal was dismissed on the plea that "…*Mere dismissal of criminal case U/S 249-A CrPC by itself would not be sufficient under law to claim damages from defendant.*" Accordingly, instant II-Appeal merits no consideration is dismissed alongwith pending application(s).

JUDGE

SAJID