

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**

Criminal Acquittal Appeal No. 581 of 2022  
[Muhammad Iqbal Saleemi v. The State & another]

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DATE	ORDER WITH SIGNATURE OF JUDGE
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Fresh Case.

1. For orders on M.A. No.11994 of 2022.
2. For hearing of Main Case.

**29-03-2023**

Mr. Adnan Ahmed, Advocate for the Appellant.

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**Adnan Iqbal Chaudhry J.** - Exemption granted subject to all just exceptions. By judgment dated 29.08.2022 passed by the XX-Judicial Magistrate, Karachi (East) in Case No. 508/2021, the Respondent No.2 Khurram Zahid was acquitted of the charge of sections 420 and 506 PPC; hence this acquittal appeal under section 417 (2A) Cr.P.C. by the Complainant of the case. The other person accused in the case was Muhammad Zahid who was the father of the Respondent No.2. He passed away pending proceedings and therefore, the case against him had abated.

2. The parties were related in that the late Muhammad Zahid was the father-in-law of the Appellant's daughter. The case of the prosecution was that on being convinced by Muhammad Zahid and Khurram Zahid (accused persons), the Appellant/Complainant purchased with them in partnership a shop in Saddar, Karachi in June 2019 for Rs.15,000,000/-; that for such purposes the Appellant gave the accused Rs. 4,000,000/ through cheques, Rs. 3,500,000/- in cash and prize bonds, Rs.290,000/- in cash for repairs and furniture, and Rs.200,000/- as a loan; that Khurram Zahid let the shop on rent for Rs.60,000/- per month out of which he paid the Appellant Rs.30,000/ per month; but after September, 2020 such payment stopped; that despite demand, the accused did not provide documents of the shop to the Appellant, they refused to return the

money, and issued life threats to the Appellant; hence the charge of cheating under section 420 Cr.P.C. and criminal intimidation under section 506 PPC.

3. The trial Court acquitted Khurram Zahid (Respondent No.2) after observing *inter alia* that the FIR was delayed by three months without any plausible explanation; that though the Appellant had produced a bank statement to show certain cheques were credited to the account of the Respondent No.2, but there was no evidence of the alleged transaction of purchasing a shop; no evidence of who the seller was; the prosecution had not produced any sale agreement or sale deed or any other document that regard; there was no description of the prize bonds allegedly given in payment; and no evidence of the threats received except the bald statement of the Appellant.

4. Learned counsel for the Appellant was asked to demonstrate how the findings above were not supported by evidence. He could not do so.

5. While the Appellant is said to have produced a bank statement of the account of the Respondent No.2, but the Bank Manager was not produced as witness to affirm the same. In any case, that bank statement by itself was not proof of the purchase of the shop when no evidence whatsoever in respect of that transaction was brought on the record. The I.O. too acknowledged on cross-examination that he had never visited the shop in question. On cross-examination it was suggested to the Appellant that some money was given for forwarding it to the Appellants son-in-law who was processing the citizenship application of his wife viz. the Appellant's daughter. The evidence also established that the parties were already in dispute over another matter wherein the Appellant had made a complaint against his son-in-law to the FIA. Therefore, it

was apparent that Appellant was not forthcoming with the actual events.

6. For the foregoing reasons the judgment of the trial Court does not call for any interference. Appeal is dismissed *in limine*.

**JUDGE**

\*PA/SADAM