

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acquittal Appeal No. 216 of 2022

Appellant : Fareed Ahmed
through Mr. Dilber Ijaz, Advocate.

Respondent : The State
through Mr. Zahoor Shah, D.P.G.

Date of hearing : 7th December, 2023

ORDER

OMAR SIAL, J.: Fareed Ahmed has filed this acquittal appeal impugning a judgment made of the learned 22nd Judicial Magistrate, Karachi East on 02.03.2022 in terms of which she acquitted Sajjad Ali, accused in F.I.R. No. 620 of 2020 registered under section 489-F P.P.C. at the Aziz Bhatti police station.

2. Learned counsel has urged two grounds in this appeal. One, the second point of determination was whether Fareed and Sajjad had a business relationship, but the court did not give any finding on the issue. Two, the cheque in issue was presented and dishonoured.

3. I have heard the learned counsel. Regarding his first argument, it seems that the learned trial court has commented on the relationship between the parties in paragraph 14 of the judgment. As regards his second argument, suffice to say that for an offence under section 489-F P.P.C. to occur, a dishonoured cheque is only one of the ingredients of the crime. In addition, it is also to be proved whether the cheque was issued dishonestly and whether it was given for the satisfaction of a loan or fulfilment of an obligation. The learned trial court has given reasons for its judgment.

4. The learned counsel has been unable to point out any misreading or non-reading of evidence, any jurisdictional issues, nor that the judgment is capricious or, arbitrary or unlawful in any manner.

5. The appeal, which is yet to be admitted, is dismissed in limine.

JUDGE