

# THE HIGH COURT OF SINDH AT KARACHI

## Criminal Revision Application No.14 of 2023

Present:  
Naimatullah Phulpoto, J.  
Irshad Ali Shah, J.

Applicant: Zeeshan Ali Khan through Mr. Furqan Siddiqui, advocate

The State: through Pir Riaz Muhammad Shah, Deputy Attorney General

Date of & hearing order : 25.09.2024

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It is alleged that the applicant being a Banker in connivance with the co-accused supervised two fund transfer applications bearing fake signatures of account holder Abid Ismail and his wife; for which the present case was registered. At trial, he sought his premature acquittal by making an application u/s. 249-A Cr.PC; it was dismissed by the learned Presiding Officer, Special Court (Offence in Banks) Sindh at Karachi vide order 21.12.2022, which is impugned by him before this Court by way of instant CrI. Revision Application.

2. It is contended by learned counsel for the applicant that P.W Abdul Baseer Pasha during his examination has admitted that no criminal liability has been fixed upon the applicant in the Inquiry Report, therefore, further evidence, even if recorded, would raise no probability or possibility of his conviction, therefore, he is entitled to his premature acquittal.

3. Learned DAG by supporting the impugned order has sought dismissal of the instant CrI. Revision Application by contending that the

prosecution has every right to prove its case against the applicant by examining the entire evidence.

4. Heard arguments and perused the record.

5. Admittedly, on completion of the investigation a report u/s. 173 Cr.PC was furnished by the police for the trial of the applicant and others for the alleged offence; the cognizance whereof has been taken by the Court having jurisdiction and the case now is proceeding. No doubt P.W Abdul Baseer Pasha during his examination has admitted that no criminal liability was fixed on the applicant on inquiry, but such admission is not enough to disbelieve the entire case of the prosecution in the absence of further evidence. The inquiry could never be acquitted with the trial. It would be unjustified to record premature acquittal of the applicant by denying a chance to the prosecution to prove its case against him by recording further evidence. The right of a fair trial like the applicant is also prescribed for prosecution by Article 10-A of the Constitution of the Islamic Republic of Pakistan. No illegality is noticed in the impugned order which may justify this Court to interfere with the same by way of the instant CrI. Revision Application; it is dismissed accordingly.

**JUDGE**

**JUDGE**