

# THE HIGH COURT OF SINDH AT KARACHI

## Criminal Revision Application No.13 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 against the applicant that he being a Banker in connivance with co-accused supervised two fund transfer applications bearing fake signatures of account holder Muhammad Usman; 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 the applicant as per the report furnished u/s. 173 Cr.PC was used by co-accused Sohail Qaiser; there was no *mense rea* on his part, therefore, he is entitled to his premature acquittal for the reason that the full-fledged trial would raise no probability or possibility of his conviction.

3. Learned DAG by supporting the impugned order has sought dismissal of the instant CrI. Revision Application by contending that there is every possibility of the conviction of the applicant if the

prosecution is allowed a chance to prove its case by examining its witnesses against him.

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 in the charge sheet, it is mentioned that the applicant has been used for the commission of the incident by co-accused Sohail Qaiser but there could be no denial of the fact that such narration is not enough to record his premature acquittal by denying the chance to the prosecution to prove its case by examining its witnesses. A fair trial like the applicant is a right of the State; it is guaranteed by Article 10-A of the Constitution of the Islamic Republic of Pakistan. Why the applicant allowed him to be used in commission of the incident; is a question which suggests his connivance and could only be determined after recording the evidence. No case for premature acquittal of the applicant is made out. No illegality even otherwise is noticed in the impugned order which may justify this Court to interfere with the same by way of the instant Crl. Revision Application; it is dismissed accordingly.

**JUDGE**

**JUDGE**

