

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
Crl. Appeal No. 842 of 2024
Alongwith
Crl. Appeals No. 853, 855, 862 of 2024
&Crl. Appeals No. 01 and 36 of 2025
Crl. Appeal No. 858 of 2024

Date: Order with signature(s) of the Judge(s)

04thFebruary 2025

Mr. Shahab Sarki, advocate for appellant in Cr. Appeal No. 842 of 2024.

Mr. Muhammad Jamil, advocate for appellant in Cr. Appeal No. 853 of 2024.

Mr. Mukesh Kumar G. Karara & Sajid Ali Channa, advocates for appellant in Cr. Appeal No. 855 of 2024.

Mr. Bhajandas Tejwani, advocate for appellant in Cr. Appeal No. 858 of 2024.

Mr. Khurram Nizam, advocate for appellant in Cr. Appeal No. 36 of 2025.

Mr. Hafiz Muhammad Khan & Ms. Arifa advocates for appellant in Cr. Appeal No. 862 of 2024.

M/s Muhammad Khan Lakho advocate for appellant in Cr. Appeal No. 01/2025 alongwith M/s. Riaz Ali and Abdul Samad advocates.

Pir Muhammad Shah DAG.
Complainant present in person.

It is alleged that appellants except in Appeal No. 842/2024 were bank officials in collusion with each other unlawfully and illegal withdrew amounts from different accounts by using bogus cheques in Branch Banking Operation System, hence instant case has been registered against them vide Crime No. 23/2013 for offences punishable under Sections 409, 468, 471, 477-A, 109, 34 PPC registered at P.S FIA, CBC, Karachi.

2. At the outset, learned counsel for the appellants in all appeals contend that trial Court has failed to appraise and evaluate the

evidence, although 12 witnesses were examined and documentary evidence was produced at trial, but none has been referred in the impugned judgment while convicting the appellants, therefore, this is a fit case for remand. Besides, they contend that appellants were on bail in trial Court. Learned DAG and complainant present agreed with this factual aspect and consented that this case may be remanded back to the trial Court to hear all the parties afresh and thereafter passed a fresh judgment.

3. We have also examined the impugned judgment carefully. From perusal of record, it reflects that learned trial Judge produced investigation report with the role each accused but failed to discuss/evaluate the evidence according to settled principles of law. Article 10A of the Constitution of Pakistan, 1973, guarantees due process of law as one of the fundamental right of every person, however, in the present case due process of law has been denied to the appellants by not appreciating the evidence adduced at trial, thus the appellants have been deprived of the prescribed process of the law. Denial of the fundamental right of fair trial and due process for the detained citizens is in contravention of law. Hence, the impugned judgment cannot be maintained as the same has caused serious prejudice to the rights of the accused.

4. Accordingly, all captioned appeals are allowed in terms of that impugned judgment is set aside, case is remanded back to learned trial Court for fresh hearing and decision thereon. Since appellants were on bail therefore, judicialproprietary demands that appellants shall be treated on bail subject to furnishing fresh surety in the sum of Rs.200,000/- each with P.R bond in the like amount to the satisfaction of the trial Court.

The captioned appeals are accordingly disposed of in the above terms.

JUDGE

JUDGE