

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr.Rev.Appl. No.12 of 2025
Cr.Rev.Appl. No.13 of 2025

Presents:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

14.05.2026

Mr. Abdul Aziz Abro, advocate for applicant.
Mr. Abdul Khaliq, Ahmed DAG.
Mr. Rehan Ahmed Siddiqui, advocate for respondent.

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ORDER

MUHAMMAD IQBAL KALHORO J:- Applicant filed a complaint against respondent under section 20 Sub-section (1) (b) read with Section 20 sub Section (4) and (5) of the Financial Institutions (Recovery of Finances) Ordinance 2001, in the banking court praying to take cognizance against respondent for committing an offence under the said provisions of law. As per the facts the bank had issued a credit card facility to the respondent on certain terms. The respondent after utilizing the card committed default in repayment of the outstanding amount despite various chances given to him to do the needful. The overall liability calculated against him was Rs.131,699.31. This complaint was registered, the bank examined P.W. Adeel Ahmed, the Assistant Manager/attorney, who filed relevant documents duly exhibited. After his evidence statement of appellant was recorded under section 342 Cr. P.C. The Banking Court after hearing the arguments acquitted the respondent vide impugned judgment dated 10.10.2024, which the Bank has challenged through this criminal revision application.

2. At the very outset the question of maintainability of revision application was raised. As in terms of Section 22 of the Ordinance 2001, the Bank was required to file acquittal appeal within 30 days against the impugned judgment. The applicant has filed on the one hand revision application and not the acquittal appeal and that too after more than three months of the impugned judgment.

3. Learned counsel for the applicant has drawn our attention to the application CMA 1077 of 2025 filed under section 5 of the Limitation Act for condonation of delay in filing this revision application which is strongly opposed by the other side on the ground that applicant was required to explain the delay of each and every day.

4. We have gone through the application and supporting affidavit. Not a single reason has been forwarded for filing the application with delay of more than two months. The law required the applicant to explain delay of each and every day with cogent reasons, therefore, even if we convert this revision application into acquittal appeal, it is hopelessly time barred.

5. In so far as merits of the case are concerned, we have gone through the impugned judgment. It is clear that the bank failed to discharge its burden and did not even file the certified copy of the statement of account to confirm the actual amount of default committed by the respondent. The trial court has dealt with this issue adequately while discussing point No.1. The trial court has held that he (P.W) has also admitted to have not filed any statement of account to show that the accused has defaulted. Per trial Court, such admission on the part of the witness was sufficient to create doubt, as last financial debit entry recorded on 14.09.2025 showed the outstanding amount to the tune of Rs.53,700/- which is different than the amount mentioned in the complaint by the bank.

6. Due to the failure of the bank to submit the relevant documents including the original statement of account the banking court has concluded that the bank has failed to discharge its burden to prove the case against the respondent. In absence of any extra material placed before us to convince us otherwise, we do not any have reason to dis-agree with the finding of the banking court, not the least when this revision application is time barred and does not merits any consideration.

7. Accordingly, therefore, we do not find any merits in this revision application and dismissed it.

JUDGE

JUDGE