

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Crl. Acq. Appeal No.320 of 2013**

Date	Order with signature of Judge
------	-------------------------------

1. For order on M.A No.8528/201 (Ex/A)
2. For hearing of Main Case

**03.04.2019**

Mr. Ameer Bux Maitlo, advocate for the appellants.  
Khawaja Muhammad Azeem, advocate for Respondent No.2.  
Ms. Rahat Ahsan, Addl. P.G.

-.-.-

1. This Crl. Acq. Appeal is directed against the judgment dated **06.11.2013** passed by the learned VIth Civil Judge and Judicial Magistrate (West) Karachi in Criminal Case **No.5102/2011** whereby the trial Court has acquitted Respondents No.2 by extending them benefit of doubt.

2. Brief facts of the case as per FIR is that the complainant works as Assistant Manager in Ali Mukhtiar Engineering and shipping on 26.07.2011 he loaded six containers bearing No.1.UACU-3678004, 2. UACU-3506900, 3. EMAU-1427558, 4. TRLU-91855140, 5.UACU-828963, 6. UACU-8228714 for transportation from PICT to Gujrawala by a transporter namely Muhammad Qasim. The accused Muhammad Qasim took the responsibility for returning all the six containers but he did not return the said containers, hence, the accused committed an offence of criminal breach of trust.

3. Learned trial Court after hearing the parties, acquitted / Respondents No.2 by judgment **06.11.2013**. Therefore, the appellant / complainant has filed the instant Criminal Acquittal Appeal.

4. I have heard the learned counsel for the parties perused the record.

5. The perusal of the impugned order shows that the learned trial Court has rightly observed that:-

“.....From the perusal of depositions of all prosecution witness as well as from going through the material available on record it appears that the prosecution has failed to prove the entrustment of containers to accused Qasim being in any manner or with any dominion over property as well as dishonestly misappropriation or conversion to his own use that property mentioned above in violation of any direction of law prescribing the mode in which such trust is to be discharged.....

The above observation of the trial Court for acquittal of respondent No.2 is also based on several judgments of superior Courts specifically mentioned in the impugned order. The appellant has not even suggested that the case law referred by trial Court was not relevant in the case of respondent No.2.

6. In view of the above, no case is made for interference in the impugned judgment by this Court, therefore, this Crl. Acq. Appeal is dismissed alongwith listed application.

JUDGE