

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Acq. Appeal No.284 of 2016

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

For hearing of Main case

30.04.2019

Mr. Naseer Ahmed, advocate for the appellant.
Ms. Rubina Qadir, D.P.G for the State.

.-.-.

This Crl. Acq. Appeal was listed yesterday i.e **29.4.2019** and it was dismissed for non-prosecution. However, Mr. Naseer Ahmed, learned counsel appeared after tea break and he says that his senior counsel is not well. Since his power is on the record and he appears to be quite senior man, he was asked to proceed. Today he again tried that case should be adjourned on same ground. I have gone through the record, since 2016 till date Mr. Mazhar Jafari, advocate has come only three times and on every date Mr. Naseer Ahmed was there. Be that as it may, Mr. Naseer Ahmed has argued this case completely. He has relied on certain documents to convict the respondent No.1, which were admittedly misplaced by the Investigating Officer. The challan was submitted in 2010 and even in that challan there was no reference to the existence of the documents. Therefore, besides the ground taken by the trial Court in para-12, which is reproduced below;

“Reverting back to the merits, on appraisal of evidence available on record it reveals that after lodgment of FIR neither any aggrieved person / security guard was examined under section 161 Cr.P.C by investigating officer, whose salary amount was allegedly misappropriated by the accused nor any security guard was cited as prosecution witness whose fake signature was allegedly managed by accused on the payroll nor examined during trial. Neither enquiry officer of the company was examined during trial nor was any written complaint exhibited in evidence made by any aggrieved person to company against the accused for misappropriation of his / their salary and putting their fake signature on payroll, which

cut very root of the prosecution case. For the foregoing reasons I am of the considered view that the prosecution has failed to prove its case beyond a shadow of reasonable doubt against the accused hence point No.1 is answered as doubtful.

The very conduct of the Investigating Officer itself was enough to acquit the person, therefore, this Crl. Acq. Appeal is dismissed as not case is made out for interference in the impugned judgment by this Court.

JUDGE

SM