

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.185 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on M.A. No.2847/2019 (Spl. Leave to appeal)
 2. For orders on M.A. No.2848/2019 (Ex.A)
 3. For hearing of main case
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23.05.2019

Mr. Asif Ibrahim, advocate for the appellant.

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NAZAR AKBAR, J:- This CrI. Acq. Appeal is directed against the judgment dated **27.02.2019** passed by the IVth Judicial Magistrate West, Karachi, in Cr. Case **No.79/2018** whereby the trial Court has acquitted Respondent No.1 by extending him benefit of doubt.

2. Brief facts of the prosecution case are that complainant Kamran Khan s/o Muhammad Qasim lodged FIR at PS Docks alleging therein that during the accused's employment period i.e. November 2016 to January 2017 in the complainant's company, accused committed cheating and also committed theft of company stamp and letter pad, made and used as genuine a forged documents. Hence, this FIR was registered.

3. I have heard the learned counsel for the parties and perused the record.

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

.....“However, it is fair to assess that in any case accused Munawar was not physically involved in alleged episode of criminal intimidation and on that score alone charge till that extent does not stands proved. However, according to narrative of complainant we have been told that accused Munawar Niazi was employed by them in November, 2016 as

supervisor and was subsequently fired in January, 2017 but with the FIR in relation to theft being committed from the possession of employees comprising of stamps, letter pad, etc. it is absurd to notice FIR being registered on 26.10.2017 right after the lapse of 09 months from the point of termination of accused and considering the operational activeness of sea food company under which complainant has also taken pride, it is bizarre to think how would a company adopt such inadvertent approach for so many months having been deprived from essential letter pads and stamps and fail to report the theft of the same instantly when understandably such logistical stationary remains requisite of daily basis for correspondence under operational business”

The above observation of the trial Court based on evidence was enough for acquittal of respondents No.1.

5. 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