

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Acq. Appeal No.368 of 2018

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DATE            ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing of main case

**23.05.2019**

Mr. Zubair Hashmi, advocate for the appellant.  
Ms. Seema Zaidi, D.P.G for the State.

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**NAZAR AKBAR, J:-** This CrI. Acq. Appeal is directed against the judgment dated **30.05.2018** passed by the XXIIth Civil Judge & Judicial Magistrate, South, Karachi, in Cr. Case **No.195/2018** whereby the trial Court has acquitted Respondents No.2 by extending him benefit of doubt.

2. Brief facts of the case are that the complainant is working as secretary in Ghani Builders and Developers Pvt. Ltd and the accused was working in the same company as an HR Manager and resigned on 14.10.2017, the accused was asked to return belongings of the company i.e. two laptops, two mobile phones of Qmobile company, a 4G device/dongle and Rs.28,000/- but he did not return. Therefore, the complainant has lodged instant FIR against above named accused on behalf of the company.

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:-

01. There is delay of about one month in lodging of FIR, which has not been explained by the complainant.

02. It is ambiguous on what date and time accused was appraised of acceptance of his resignation. If such appraisal was made through phone call then who had made such call and whether such person is produced by the prosecution as a witness or not? The answer is no, for the reason best known to the complainant.
03. It is alleged by the prosecution that accused had also issued threats to the complainant and others but during examination in chief complainant and other prosecution witnesses do not say even single word about issuance of threats by the accused to the complainant and/or to anyone else.
04. No independent witness has been made from locality; the only private witness shown by prosecution is was also employee of the complainant's company who has also been given up by the complainant himself.
05. The alleged case property is no sealed at all and some nature items are easily and readily available in market. No IMEI number of mobile, no serial number of laptop, no number of 4g devise is given by the prosecution.

The above observation of the trial Court for acquittal of respondent No.1 is also based on the judgment of superior Court specifically mentioned in the impugned order. Learned counsel for the appellant has not even suggested that the case law referred by trial Court was not relevant in the case 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