

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No.658 of 2018

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on : 20<sup>th</sup> August, 2018.  
 Date of order: : 29<sup>th</sup> August, 2018.  
 For Applicant : Muhammad Akbar Khan, Advocate.  
 For Complainant : Mr. Ehteshamullah Khan, Advocate.  
 For State : Ms. Seema Zaidi, D.P.G.

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**Kausar Sultana Hussain, J.:-** This post arrest bail application has been filed on behalf of applicant/accused Muhammad Rameez Shaikh S/o Abdul Wahid, allegedly involved in crime No.41/2018, for offence under section 408, 420/34 P.P.C registered at Police Station Aziz Bhatti, District Karachi East.

2. Concise facts of prosecution case are that on 11.02.2018 complainant Badar Zia got F.I.R registered stating therein that he runs a company with the name and style "Attaullah Zia International Company" having businesses of imports. One Muhammad Rameez was working as store keeper in the said company, who in such capacity misappropriated the stocks instead of supplying it to customers and then went underground. Upon checking of record, it transpired that the applicant/accused Muhammad Rameez misappropriated stocks worth Rs.30/35 lacs, hence, this F.I.R.

3. Heard learned counsel for the applicant/accused, learned counsel for the complainant, and learned DPG for the State and also gone through the material on record.

4. Evidently, complainant Badar Zia runs the company operating under the name and style of "Attaullah Zia International Company", the said company imports the goods and supplies such good to its customers. Applicant/accused Muhammad Rameez Shaikh was working with the company as store keeper, it was his duty to supply the imported stock of the company to its customers. He

was also responsible to maintain the register regarding supply of goods and to send the copies of the same to Head Office of the Company at Lahore. However, it is alleged that for three weeks, he stopped sending such copies to Head Office at Lahore. It is further alleged that upon checking of record of the stocks and supplies, complainant found various documents missing and it also surfaced that applicant/accused sold out goods/stock to some other person(s) instead of company customers, total worth of such transaction comes to Rs.30/35 lacs, thereby cheated and defrauded the company and embezzled a substantial amount, thus caused financial losses to the company. The complainant and prosecution witnesses namely Noor Alam, Syed Akhtar Ali, Muhammad Waqas and Amirullah fully implicated the applicant/accused in their statements recorded under section 161 Cr.P.C. Bank statements of A/C No.5633-5000884205 and 5633-5000884203 in the name of applicant/accused Muhammad Rameez Shaikh are also showing substantial transactions during the period he allegedly embezzled the company stocks. Moreover, documentary evidence viz Stock Register and the Invoices are also supporting the prosecution version that applicant/accused has allegedly misappropriated a considerable amount of company. SMS/Call record also supported the prosecution case. So far as, plea of late registration of F.I.R is concerned, it may be noted that the case is of quite complex nature which require time to count and calculate the stock/goods and also verify and examine the Stock Register Invoices, sale proceeds and Bank Accounts of the company in order to reach a just evaluation of the losses caused to the company. Accordingly, delay is not un-explained. One of the main consideration for grant of bail is whether the prosecution is motivated by malice so as to cause irreparable injury or irreversible damage to citizens reputations, esteem or liberty. Learned counsel for the applicant/accused has remained unable to convince this Court to hold that the applicant/accused had no concern with the alleged offence. In the instant case, prerequisite for grant of concession

of bail viz malice or ulterior motives either on the part of complainant or police are clearly missing.

5. As a corollary of discussion in the foregoing paragraphs and without passing any findings on the merit of the case that may prejudice the case of parties during trial, application in hand is dismissed. However, trial Court is directed to culminate the trial of the case expeditiously preferably within three months from the date of receipt of this order.

JUDGE

M. Khan