

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Acq. Appeal No.559 of 2017

Date	Order with signature of Judge
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For hearing of main case.

20.07.2018

Mr. Ghulam Muhammad, advocate alongwith appellant.
Ms. Rahat Ahsan, Addl. P.G.

The record shows that there has been a business relationship between the appellant and the Respondents and all the transactions were during god business relationship between the parties and certain amounts which were secured from the cheques were probably not paid by the Respondents, therefore, the cheques were presented to be encashed which obviously were dishonored. The amount of cheques mentioned in the FIR is already a subject matter of a civil suit for recovery of the said amount and, therefore, in the absence of *mensrea* for commission of the offence, the possibility of conviction was even otherwise very bleak. In civil suit burden would be on the Respondent to prove that they are not liable to pay the amount against the cheques handed over by them to the appellant as security provided initial burden is discharged by the appellant in said civil suit. Needless to mention here that criminal prosecution would have no bearing on the outcome of civil proceedings. In view of the circumstances of the case, learned counsel for the appellant does not press this Crl. Acq. Appeal and states that he will contest the civil suit. Therefore, this Crl. Acq. Appeal is dismissed as not pressed.

JUDGE