ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Acq. Appeal No. 234 of 2019.

Date	Order with signature of Judge	

For hearing of main case.

27th September 2022

Mr. Shaukat Khan, advocate for the appellant. Mr. Muntazir Mehdi, Addl. P.G. Sindh.

Heard learned counsel for the applicant.

Since, this is an *appeal*, thereby challenging acquittal by a competent court of law, hence at the outset, it would be relevant to reaffirm the well-settled principle of *Criminal Administration of Justice* that *'in Criminal trial every person is innocent unless proven guilty and upon acquittal by a competent jurisdiction such presumption doubles'*. Such earned double presumption of *innocence* would not be disturbed unless and until it is established that impugned judgment was *prima facie* shocking, perverse and illegal thereby resulting into grave miscarriage of justice.

3. Keeping above settled proposition of law, it would be conducive to refer relevant portions of the impugned judgment which is that:

Prosecution has failed to bring even a single piece of "15. evidence in this case to show that fraud/cheating had been committed with complaint by accused Ameer Hassan or Mst. Shahida Perveen, it was fault of prosecution for which the cheques were dishonoured; legislature has kept distinction into Civil Liabilities and Criminal Liabilities; business transaction taking place and nonpayment of amount does create a civil liability but to establish the same transaction to be a criminal liability mens rea is to be proved, which prosecution have failed to do so in the instant case. Admittedly, no civil suit for specific performance has been filed by the complainant part, rather it has been filed by the accused party, which suggest that accused party is keen in finalizing the deal. The basic dispute between the parties seems to be of Civil nature, for which civil litigation is going on between the parties, where this question, can best be resolved. Therefore, I am of opinion that prosecution has failed to prove the charge for offence under Section 420 PPC against the accused Ameer Hassan and Mst. Shahida Perveen. On this point for the offence of issuance of threats no evidence has come on record from the evidence of any of the witness, therefore, the prosecution has also failed to prove such charge. As such, I answer the Point No.2 as Not Proved.

4. Perusal of above in juxtaposition with pleas raised by learned counsel for the appellant reflects that this is not a case to reverse the findings of acquittal into conviction. Learned counsel for the appellant has failed to point out any illegality and irregularity committed by the trial Court, in absence whereof an appeal against acquittal cannot sustain *even*. Accordingly, instant appeal being devoid of merits is dismissed

JUDGE

SAJID