

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Acquittal Appeal No.S-68 of 2025.
(Ashique Ali Ghouri vs The State and another)

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| Date | Order with the signature of the Judge |
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1. For orders on office objections
2. For hearing of MA No.3378/2025
3. For the hearing of the main case.

09.03.2026.

None present for the Appellant.

On the last date of hearing, this Court observed that after filing of the instant Criminal Acquittal Appeal, no urgent application had been moved and the appellant or his learned counsel had made no effort to pursue the matter. The case was adjourned for today with a note of caution that, in case they fail to appear, the instant appeal would be decided based on the material available on record. Today, none has appeared on behalf of the appellant.

In pursuance of the said order, the matter in hand has been examined based on the available record. The appellant is the complainant in FIR No.11/2022 registered at P.S. Bhiria Road for the offence under Section 489-F PPC, wherein respondent No.2/accused was acquitted vide judgment dated 17.05.2025 passed by the learned trial Court. The said judgment has been assailed through the present acquittal appeal.

The record reflects that the learned trial Court, after appreciating the material on record, concluded that the complainant/appellant failed to fulfill the essential ingredients of Section 489-F PPC, particularly in establishing that the cheque in question was issued with a dishonest intent and in discharge of a legal obligation. The learned trial Court further observed that the FIR was lodged on 30.01.2022, whereas the alleged incident was stated to have taken place on

20.12.2021, and such delay was not satisfactorily explained. The delay, coupled with other deficiencies in the prosecution case, was considered as one of the grounds leading to the acquittal of the accused.

Perusal of the evidence available on record, particularly the material placed at page-37 onwards, reveals that the appellant failed to establish the charge against the accused beyond a reasonable doubt. It is a settled principle that an appeal against acquittal carries a narrow scope of interference, as held by the Honourable Supreme Court in the case of Fida Hussain alias Saboo v. The State, 2025 SCMR 993, Likewise, in the case of Qurban Ali v. The State, 2025 SCMR 1344 it has been reiterated that if any doubt arises in the prosecution case, the benefit thereof must go to the accused.

In the present case, when the prosecution evidence itself gives rise to doubt, the respondent No.2/accused is entitled to the benefit of such doubt. Consequently, no case for interference in the impugned judgment is made out. Accordingly, the instant Criminal Acquittal Appeal is dismissed, being devoid of merits.

JUDGE