

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

**Cr. Misc. Appl. No.254 of 2026**

Date	Order with signature of the Judge
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Present:

**Mr. Justice Muhammad Iqbal Kalhoro.**

**Mr. Justice Miran Muhammad Shah.**

Syed Najam ul Hassan .....Vs. .... The State

**21.05.2026.**

Mr. Umar Farooq, Advocate for applicant

Mr. IrshadAli, Assistant Attorney General.

**O R D E R**

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**MUHAMMAD IQBAL KALHORO J:** Applicant is one of the accused in Crime No.49/2012 of FIA, CBC, Karachi u/s 409,420,468,471,477A, 34, 109 PPC, standing a trial before Special Court (Offences in Banks) Sindh at Karachi. Allegations in brief against him and others are that through fraudulent means, they skimmed complainant Muhammad Yousif by transferring an amount of Rs.29,06,000/- from his account to different accounts and embezzled the same. Applicant was already arrested in Crime No.17/2012 and then on the basis of investigation, was identified to be one of the accused and arraigned in the present case. He filed an application u/s 249-A Cr.P.C for his acquittal before the Special Court on the grounds that there was no probability of his conviction and that the charge was groundless. This application has been dismissed vide impugned order and against which he has filed this application which apparently is not maintainable because the impugned order is amenable to a revision application.

2. Notwithstanding, we have still heard learned counsel and learned Assistant Attorney General on merits. Learned defence counsel has pleaded that on the same set of allegations, co-accused Junaid Ali has been acquitted; when FIR was registered, applicant was already in jail, hence there is no probability of his conviction in the case and that charge is groundless.

3. On the other hand, learned Assistant Attorney General has opposed this application.

4. We have gone through the record and considered submissions. The trial court has observed in the impugned order that on a number of fund transfer applications, handwriting of applicant and his signatures are available which constitute *prima facie* evidence and which is yet to be produced through witnesses and examined. The conduct of the applicant has also been noted by the trial court in that he after being granted bail in this case faked his death and submitted a

certificate in this regard in order to conceal himself and avoid the trial. But then later on when he was found alive, his bail was cancelled and he was taken into custody. The duration and time of offence is before arrest of the applicant in another case hence the time of registration of FIR when applicant was in jail is irrelevant. But be that as it may, in presence of prima facie evidence in the shape of documents containing his writing and signature used in the commission of the offence, we do not see any reason to terminate the trial prematurely because this evidence is yet to be produced by the trial court and appreciated. The ingredients that charge is groundless or there is no probability of conviction of applicant are not attracted in this case. We, therefore, find no merits in this application and dismiss it.

The Cr. Misc. Application is disposed of.

JUDGE

JUDGE

A.K