

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Sajjad Ali Shah

Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.551 of 2020**

*(Against the order dated 28.04.2020 passed by  
the Islamabad High Court Islamabad in CrI. Rev.  
No.24/2020)*

***Mehmood Qaisar***

*...Petitioner(s)*

**Versus**

***The State & another***

*...Respondent(s)*

For the Petitioner(s):

Maulvi Anwar ul Haq, ASC  
Syed Rifaqat Hussain Shah, ASC

For the State:

Mr. Niaz Ullah Khan Niazi,  
Advocate General Islamabad with  
Zulfiqar Ali, ASI, PS. I-9, Islamabad

For the Respondent(s):

Jam Khurshid Ahmed, ASC

Date of hearing:

17.09.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.**- Indicted under section 489-F of the Pakistan Penal Code, 1860, the petitioner, was returned a guilty verdict by a learned Magistrate at Islamabad vide judgment dated 26.11.2019; he was sentenced to 3-years rigorous imprisonment, maintained throughout.

2. According to the prosecution, the petitioner issued a bank cheque in the sum of Rs.30,50,000/- to Muhammad Irfan complainant towards payment of sale consideration of a vehicle, bounced upon presentation.

3. Besides the witnesses, prosecution adduced documentary evidence comprising photocopies of the impugned cheque and bank slip, duly verified by Zulfiqar Ali ASI (PW-3) from Bank Manager Mansoor Ali who appeared before the Court as PW-1 to confirm the transaction. Agreement Ex.PC is also part of the record to establish purchase of complainant's vehicle by the petitioner. Petitioner confronted prosecution evidence with an unsubstantiated plea of innocence with copies of applications moved by the complainant to the

Excise & Taxation Officer Islamabad confirming the transaction in retrospect.

4. Learned counsel for the petitioner, after disputing production of photocopies of the bounced cheque and bank slip, alternately pleaded for the reduction of sentence to the period already undergone, a request contested by the learned Law Officer with the assistance of learned counsel for the complainant. Conceding production of photocopies, the learned Law Officer argued that Investigating Officer had verified the documents as true copies of the originals, required in a summary suit for the recovery of amount under Order XXXVII of the Civil Procedure Code, 1908; it is further argued that the bank manager confirmed presentation of the instrument and, thus, prosecution successfully established the issuance of a cheque from petitioner's account towards fulfillment of a financial obligation and its failure upon presentation. Adverting to the plea for reduction of sentence, the learned Law Officer presented details of no less than five other cases of identical nature pending in different courts to argue that the petitioner being an habitual offender was not entitled to any leniency.

5. Heard. Record perused.

6. The bank manager confirmed issuance of the impugned cheque and its presentation, bounced twice for lack of balance; he has also confirmed verification of dishonoured cheque produced before him by the Investigating Officer. Even otherwise, issuance of the impugned bank cheque by the petitioner is not disputed and, thus, objection carries no weight. Similarly, registration of five other cases of identical nature is also a fact beyond dispute and, thus, it would be rather unconscionable, in circumstances, to reduce a legal sentence rightly awarded by the learned Magistrate, considered appropriate both by the learned Sessions Judge as well as the learned Judge-in-Chamber. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
17<sup>th</sup> September, 2020  
Not approved for reporting  
Azmat/-