

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**Present:**

**Mr. Justice Sh. Azmat Saeed**

**Mr. Justice Ijaz ul Ahsan**

**Mr. Justice Munib Akhtar**

**CIVIL PETITIONS NO.2790 OF 2018**

(On appeal from the judgment dated  
6.6.2018 passed by the Lahore High  
Court, Lahore in W.P.No.224129/18)

Hamza Rasheed Khan

...Petitioner (s)

Vs.

Election Appellate Tribunal, Lahore  
High Court, Lahore and others.

...Respondent (s)

For the Petitioner (s) : Mr. Kamran Murtaza, Sr. ASC  
Mr. Munawar Iqbal Duggal, ASC.  
Syed Rifaqat Hussain Shah, AOR

For Respondent # 3 : Mr. Azam Nazir Tarar, ASC  
Mr. Muhammad Omer Riaz, ASC

Date of hearing : 19.07.2018.

**ORDER**

We have heard learned counsel for the petitioner and counsel for the contesting respondent. Several issues have arisen in this case which include, whether the order of this Court dated 18.7.2013 constitutes a declaration in terms of Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973. Pursuant to the aforementioned order, criminal proceedings were launched on the same allegations which have been culminated in an acquittal maintained upto this

Court vide Order dated 18.07.2013, whether such judgment of this Court would washout the earlier observations purporting to be a declaration in terms of Article 62(1)(f) of the Constitution. The third question in this case is, whether a candidate who has withdrawn his Nomination Papers, can file a writ petition against the order dismissing the appeal filed against acceptance of the Nomination Papers of an opposing candidate.

To consider, *inter alia*, the aforementioned questions, leave is granted. Since interpretation of the Constitution may be involved, notice under Order XXVII of the CPC may be issued to the learned Attorney General for Pakistan.

2. Needless to say that obviously the result of the election would be subject to the outcome of these proceedings.

JUDGE

JUDGE

JUDGE

Islamabad, the  
19<sup>th</sup> July, 2018  
Not Approved For Reporting  
Nisar/\*