

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Crl. Appeal No.87/2018

Directorate of Intelligence and Investigations Customs
through Director

Versus

Ejaz Baig & another

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22-05-2019	Ms Naziran Malik, Advocate for appellant.

This appeal is directed against order, dated 27-01-2018, passed by the learned District & Sessions Judge/Special Judge (Customs, Taxation & Anti-Smuggling) Islamabad Capital Territory / Rawalpindi (*hereinafter referred to as the '**learned trial Court**'*).

2. The facts, in brief, are that respondent no.1 i.e. Ejaz Baig son of Riaz Baig was arrested at Benazir Bhutto International Airport, Islamabad on 20-05-2015 and foreign currency in excess of the permissible limit was recovered from his possession. The respondent was arrested pursuant to registration of FIR no.17, dated 20-05-2015. Investigations were carried out by the concerned officials and after submission of the report under

section 173 of the Code of Criminal Procedure, 1898 (*hereinafter referred to as the 'Cr.P.C.'*) charge was framed on 25-06-2015. The learned trial Court adjourned the trial on more than 40 dates to enable the prosecution to produce its evidence. The respondent filed a petition seeking his acquittal under section 265-K of Cr.P.C. which was allowed vide the impugned judgment, dated 27-01-2018. The appellants filed an application praying therein that the Department may be allowed to conduct fresh investigations under the Anti-Money Laundering Act, 2010. The said petition was dismissed vide the impugned order, dated 27-01-2018.

3. The learned Counsel for the appellant has argued at length. She could not persuade us that a case can be reinvestigated after acquittal of an accused. It appears from the record that the Department was not able to produce evidence despite having been given more than sufficient opportunities and ultimately the learned trial Court acquitted the respondent vide order, dated 27-01-2018. The learned Counsel for the appellant could not point out any provision in any statute whereby permission could be granted for reinvestigating a case after the accused has been acquitted.

4. For what has been discussed above, this appeal is without merit and is, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Lugman Khan/*