

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.938/2019
Rizwan Shah and others
Versus

Federation of Pakistan through Secretary, Interior and another

| S. No. of order / proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|-------------------------------|----------------------------|--|
| | 07.10.2019 | Raja Rizwan Abbasi, Mr. Sohail Akhtar and Ms. Naila Noreen, Advocates for the petitioners. Mr. Muhammad Nadeem Khan Khakwani, learned Assistant Attorney-General. |

Initially when this writ petition was filed, the petitioners had prayed for removal of their names from the Exit Control List ("E.C.L."). Subsequently, it transpired that the petitioners' names had not been placed on the E.C.L. but on the Passport Blacklist by the Directorate General, Immigration and Passports (Blacklist Cell). This caused the petitioners to amend the prayer sought in the writ petition so as to seek the relief of the removal of their names from the Passport Blacklist. Vide order dated 27.05.2019, the said application was allowed.

2. It appears that vide judgment dated 05.07.2018 passed by the Court of the learned Sessions Judge (East), Islamabad, the petitioners were convicted under Sections 420, 468 and 471 of the Pakistan Penal Code, 1860 and sentenced them for a period of seven years. The said judgment was assailed by the petitioners in criminal appeal No.151/2018 before this Court. Vide order dated 23.10.2018, this Court suspended the sentence awarded to the petitioners. For the purposes of clarity, the operative part of the said order is reproduced herein below:-

"For reasons to be recorded later, the instant application is allowed. The sentence awarded

to the applicant (Shoaib Ahmed Sheikh) by the learned trial Court shall remain suspended till the final adjudication of the main appeal. The applicant shall be released on bail, subject to furnishing bail bonds in the sum of Rs.500,000/- (Rupees Five Hundred Thousand Only) with one surety in the like amount to the satisfaction of the learned Deputy Registrar (Judicial) of this Court."

3. Presently, although the petitioners are convicted persons but their sentences stand suspended by virtue of the said order. After the said conviction, the petitioners' names were placed on the Passport Blacklist.

4. Letter dated 25.09.2019 from the Directorate General, Immigration and Passports shows that the petitioners' names were removed from the Passport Blacklist on 19.09.2019.

5. Vide letter dated 04.10.2019, the office of the Director General, Federal Investigation Agency ("F.I.A.") requested the F.I.A. Cyber Crime Reporting Centre, Rawalpindi as well as the F.I.A. ACC, Sindh Zone, Karachi to furnish their views whether or not the petitioners' names are required to be placed on E.C.L.

6. The learned Assistant Attorney-General submitted that the petitioners' names have been removed from the Passport Blacklist, and till date their names have not been placed on the E.C.L.

7. Since the petitioners' names have already been removed from the Passport Blacklist and till date their names have not been placed on the E.C.L., it is my view that this petition has been rendered infructuous. It is, however, expected that before the petitioners' names are placed on the E.C.L., the Ministry of Interior would afford them an opportunity of a hearing as required by Section 3(2) of the Exit from Pakistan (Control) Ordinance, 1981.

8. In view of the above, this petition is dismissed as having become infructuous.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Ahtesham*

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