

Stereo. HC JD A 38.

Judgment Sheet

**IN THE LAHORE HIGH COURT,
MULTAN BENCH, MULTAN.**

JUDICIAL DEPARTMENT

Criminal Revision No.205 of 2025

(Abdul Rehman Vs. The State and five others)

JUDGMENT

Date of hearing:	30.05.2025
Petitioner by:	Mr. Haseeb Khan, Advocate
State by:	Mr. Umar Farooq Khan, Additional Prosecutor General. Mahar Muhammad Iqbal Sargana, Assistant Attorney General for Pakistan.
	Mr. Muhammad Ahmad Raja, Law Officer, NADRA Multan.
Respondents No.3 to 6 by:	Mr. Bilal Ahmad Gorchani, Advocate.

SADIO MAHMUD KHURRAM, J. Through this petition filed in terms of sections 435 and 439 Cr.P.C, the order dated 10.04.2025 passed by the learned Additional Sessions Judge, Rajapur, whereby it was directed by the learned trial court that the Computerized National Identity Card (CNIC), Passport and the Bank Accounts of the petitioner be “blocked” and information be sent to the National Database and Registration Authority (NADRA) in this regard, has been assailed.

2. The brief facts of the case leading up to the filing of this petition are that the petitioner is the complainant of the case F.I.R No.27 of 2023 registered at Police Station Sabzani, District Rajanpur

and after the investigation of the case, report under section 173 Cr.P.C. was submitted and the charge against the accused was framed, which they denied and claimed trial. Thereafter, the learned trial court proceeded to summon the prosecution witnesses including the petitioner who is the complainant of the case however, despite repeated orders of the learned trial court, the prosecution witnesses including the petitioner did not appear before the learned trial court whereby the learned trial court proceeded to pass the impugned order dated 10.04.2025, directing that the Computerized National Identity Card (CNIC), Passport and Bank Accounts of the petitioner be “Blocked” and a letter be issued to the National Database and Registration Authority (NADRA) in this regard, hence, this petition.

3. The learned counsel for the petitioner contended that the order dated 10.04.2025 passed by the learned Additional Sessions Judge whereby the Computerized National Identity Card (CNIC), Passport and the Bank Accounts of the petitioner have been ordered to be blocked, was liable to be set-aside being against the facts and the law; that the law did not permit passing of such an order.

4. The learned counsel appearing on behalf of the respondents No.3 to 6 submitted that the learned trial court was constrained to pass the impugned order for the fact that the petitioner was continuously refusing to appear before the learned trial court and therefore, the learned trial court had no other option but to pass the impugned order.

5. During the pendency of this petition, a notice was also issued to the National Database and Registration Authority (NADRA) and Mr.

Ahmad Raja, Law Officer, National Database and Registration Authority (NADRA), Multan has ably assisted the Court in the matter and also submitted a report in this regard, which has been made part of the record. The learned Law Officer, National Database and Registration Authority (NADRA) Multan has submitted that under the relevant provisions of law, no such order regarding the “blocking of Computerized National Identity Card (CNIC)” could have been passed and already, this Court had issued directions in this regard to all the subordinate courts.

6. The learned Assistant Attorney General for Pakistan as well as the learned Additional Prosecutor General also present before the Court, have submitted that as the law does not invest the learned trial court with any jurisdiction to order the blocking of Computerized National Identity Card (CNIC) or Passport of any witness therefore, the impugned order suffers from error.

7. I have heard the learned counsel for the petitioner, the learned counsel for the respondent No.2, the learned Additional Prosecutor General , the learned Assistant Attorney General for Pakistan, the learned Law Officer, National Database and Registration Authority (NADRA), Multan and perused the record with their able assistance.

8. A perusal of the record evinces that the petitioner is the complainant of the case F.I.R No.27 of 2023 registered at Police Station Sabzani, District Rajanpur and after the investigation of the case, report under section 173 Cr.P.C. was submitted and the charge

against the accused was framed, which they denied and claimed trial. Thereafter, the learned trial court proceeded to summon the prosecution witnesses including the petitioner who is the complainant of the case however, despite repeated orders of the learned trial court, the prosecution witnesses including the petitioner did not appear before the learned trial court whereby the learned trial court proceeded to pass the impugned order dated 10.04.2025, directing that the Computerized National Identity Card (CNIC), Passport and Bank Accounts of the petitioner be “Blocked” and a letter be issued to the National Database and Registration Authority (NADRA) in this regard. The most concerning aspect of the impugned order dated 10.04.2025 passed by the learned trial court is that the learned trial court directed the *blocking of Computerized National Identity Card (CNIC) of the petitioner*. Now, the word “blocking” has not been used in the law itself and the only authority which lies with National Database and Registration Authority (NADRA) with regard to any Computerized National Identity Card (CNIC) of a citizen, is that it may *cancel, impound or confiscate* the said Computerized National Identity Card (CNIC). In this regard, section 18 of The National Database and Registration Authority Ordinance, 2000, specifically provides reasons for cancelling impounding or confiscating the Computerized National Identity Cards (CNIC) . For reference, section 18 of The National Database and Registration Authority Ordinance, 2000 is hereby reproduced as under:-

18. Power to cancel, impound or confiscate cards. —(1) A card issued under this Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of the Authority or an officer

authorised by it in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order:

Provided that no order shall be made unless such person has been given notice in writing calling upon him to show cause why the order should not be made.

(2) An order under subsection (1) canceling, impounding or confiscating a card may be made only if there is reason to believe that

(a) the card has been obtained by a person who is not eligible to hold such card, by posing himself as eligible;

(b) more than one cards have been obtained by the same person on the same eligibility criteria;

(c) the particulars shown on the card have been obliterated or tampered with; or

(d) the card is forged. (3 Any person in respect of whose card an order under subsection (1) has been made may, within thirty days of the order, appeal to the Federal Government against the order and the decision of the Federal Government in appeal shall be final:

Provided that no order on such appeal shall be passed unless the appellant has been given an opportunity of being heard.

A reading of the above provisions of law not only makes it clear that the word “blocking” has not been used with regard to the Computerized National Identity Card (CNIC) but also that the learned trial court had no authority under the law to direct such cancellation, impounding or confiscation of the Computerized National Identity Card (CNIC) of the petitioner. In this manner, the impugned order passed by the learned trial court suffers from a lack of jurisdiction. Furthermore, with regard to the part of the order whereby the learned trial court directed that the passport of the petitioner be also “blocked”, it is observed that again the word “block” has not been used in the Passports Act, 1974 as such and the words with regard to the passport which have been used are *cancelling, impounding and confiscation*. Furthermore, the conditions in which, the cancelling, impounding or confiscation of a passport can be ordered have been detailed in section 8 of the Passports Act, 1974, and the said provisions do not allow the learned trial court to order such

cancellation, impounding or confiscation of a passport. For reference, section 8 of the Passports Act, 1974, is reproduced hereinbelow:-

8. Power to cancel, impound or confiscate passport.—(1) A passport issued by or on behalf of the Federal Government shall be the property of the Federal Government and may, by an order under the hand of a Secretary to the Government of Pakistan, 1 [or an officer authorised by the Federal Government in this behalf] be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order.

(2) Subject to sub-section (3), before making an order under sub-section (1) in respect of the passport issued to any person, the Federal Government shall give such person notice in writing calling upon him to show cause why the order should not be made: 2 [Provided that no such notice need be given in the case of an order impounding a Passport if it is necessary in the opinion of the Secretary or such other officer to take immediate action, but an opportunity to show cause against the making of the order shall be afforded to the person to whom the order relates, within two weeks from the making of the order.]

(3) If the Federal Government has reason to believe that the person in respect of whose passport it is proposed to make an order under sub-section (1) is, or has been, engaged in subversive activities or in activities which are prejudicial to the interest of Pakistan or to Pakistan's relations with any foreign power, it shall not be necessary to give to such person the notice provided for in sub-section (2) or to afford him an opportunity of being heard.

(4) Any person in respect of whose passport an order under sub-section (1) has been made in the circumstances referred to in sub-Section (3) may, within thirty days of the date of the order, apply to the Federal Government for a review of the order; and the decision of the Federal Government in review shall be final.

(5) Any expenditure incurred by the, Federal Government on the repatriation to Pakistan of a citizen of Pakistan who gets stranded or becomes a destitute while he is in a foreign country, or for any other reason, shall be recoverable as an arrear of land revenue].

The above provisions of the Passports Act, 1974 further make it clear that the impugned order was passed by the learned trial court without having jurisdiction in the matter. With regard to the blocking of the accounts of the petitioner established with various banking institutions, the learned trial court directed the National Database and Registration Authority (NADRA) to do the same however, National Database and Registration Authority (NADRA) have made it clear that they are not invested with the said jurisdiction to direct the

banking authorities to block any account established with them by any of their customers. In this manner, the impugned order dated 10.04.2025 also suffers from illegality. As mentioned above, this Court has sensitized the learned subordinate courts with regard to their powers regarding the cancellation, impounding or confiscation of a Computerized National Identity Card (CNIC) and a passport by way of a *Notification No.13320/DDJ dated 25.09.2024* however, the learned trial court, while passing the impugned order, did not even adhere to the directions issued *vide* above said notification. All the above facts and law applicable, make it clear that the order dated 10.04.2025 passed by the learned Additional Sessions Judge, Rajanpur, whereby it was directed by the learned trial court that the Computerized National Identity Card (CNIC), Passport and the Bank Accounts of the petitioner be “blocked” and information be sent to the National Database and Registration Authority (NADRA) in this regard, is not tenable.

8. In view of the above discussion, this petition is **allowed** and the part of the order dated 10.04.2025 passed by the learned Additional Sessions Judge, Rajanpur, whereby it was directed by the learned trial court that the Computerized National Identity Card (CNIC), the Passport and the Bank Accounts of the petitioner be “blocked” and information be sent to the National Database and Registration Authority (NADRA) in this regard, is **set-aside**.

9. As a corollary to the above discussion, the petitioner is directed to appear before the learned trial court for the purpose of his

examination during the course of trial and if he does not want to appear before the learned trial court as a prosecution witness, then the petitioner shall submit an application in this regard otherwise, the petitioner is strictly directed to appear before the learned trial court on the dates of hearing for the purpose of recording of his statement.

**(SADIQ MAHMUD KHURRAM)
JUDGE**

*T.M.Alvi/**

Approved for Reporting

Judge