

Name: Alert ID: TMML202403901221 KARACHI: The Sindh High Court on Wednesday dismissed Federal Investigation Agency's appeal against the acquittal of forex company Khanani and Kalia directors in Hawala case. The forex company Khanani and Kalia (Kand K) directors Hanif S Kali, Abdul Munaf Kalia, Javed Khanani, Altaf Khanani, Atif Aziz Polani, Abdul Aziz Polani, Javed Qasim, Amir Zakaria, Iqbal Kasbati were acquitted by the trial court on October 29, 2013. They were booked by the FIA on a complaint of the State Bank of Pakistan for running illegal foreign exchange company and parallel banking channel. According to the FIA case, the K&K; directors illegally transacted foreign exchange worth billions of US dollars in collusion with different exchange companies, money changers and businessmen. The FIA alleged that the defendants fraudulently created replica website klik.pk.net without informing the SBP to illegally transfer money from and outside Pakistan. They also set up offices at foreign destinations and appointed Atif Polani and Javed Qasim as focal persons to execute the illegal transactions. The K&K; directors were alleged to have received amounts from overseas Pakistanis through foreign exchange companies for remitting it to the country, but instead of transferring the amount to Pakistan through authorized banks duly declared by the SBP, they would retain the amount abroad or transfer it to any foreign currency account opened in collusion with persons to conceal the remittance. The prosecution alleged that the defendants held the foreign currency and did not sell or declare it to the SBP while equivalent amount payable against the remittance was distributed in Pakistan to the recipients depriving Pakistan of remittances worth billions of US dollars. They were also charged with manipulating the foreign exchange in favour of different foreign companies as Hawala transfer at the behest of businessmen to meet the under invoiced amount required to be paid illegally to foreign exporters with misdeclared exports to evade the import duty and taxes and obtained commission for these services. The state had filed an appeal against acquittal of the applicants submitting the trial court erred in granting the acquittal and prosecution was not allowed to present its case to prove guilt. The state counsel requested the court to set aside the trial court order and remand order retrial. The counsel for defendants Shaukat Hayat and Hummal Zubedi submitted that the banking court had already acquitted the defendants on similar charges and they could not be tried on the same offence. They submitted that case fall under Article 13 of the Constitution and section 403 of the Cr.P.C and they could not be tried twice on same charges. The SHC's single bench headed by Justice Mohammad Saleem Jessar after hearing the arguments dismissed the appeal.