

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department]

Cr.Misc. No.12-P/2023
In Transfer Application No.33-P/2022

Khyal Mat Shah s/o Awal Shah,
r/o Bara District Khyber.

Petitioner (s)

VERSUS

The State and others.

Respondent (s)

For Petitioner (s) :-	<u>M/S Noor Alam Khan, Fawad Afzal Khan Safi and Malik Nasruminallah, Advocates.</u>
For Respondent(s) :-	<u>M/S Aamir Javed, Advocate General KP, Sana Ullah Khan Addl. Attorney General for Federation, Tariq Kakar and Syed Bilal Jan Bacha (Special Prosecutors for ANF), Jalal ud Din Akbar-e-Azam Khan Gara, Malik Haroon Iqbal & Mubashir Manzoor, AAGs for the Provincial Government.</u>
Date of hearing:	<u>13.10.2023</u>
Date of announcement :	<u>14.12.2023</u>

JUDGMENT

ISHTIAQ IBRAHIM, J.- Through this Cr.Misc. Application, Khayal Mat Shah, the petitioner has prayed for:-

- i. That order dated 11.04.2023, passed by a Division Bench of this court in Transfer Application No. 33-P/2022, may kindly be revisited/re-considered in light of judgment dated 01.12.2020 passed by Division Bench of this Court in WP No.2889-P/2020 and order dated 20.06.2020, passed in Review Petition No.178-P/2020 in WP No. 2889-P/2020, administrative order dated 10.11.2022 as well as Civil Petition pending before the Hon'ble Supreme Court of Pakistan.

- ii. That keeping in view the judgments (supra) of this Court and pendency of the matter before the Hon'ble Supreme Court, the case may be allowed to be tried by the court established under the provisions of section 22 of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019; and
- iii. Any other order deems proper may kindly be passed in favour of the petitioner.

2. As per averments in the application, petitioner Khyal Mat Shah, is an under trial prisoner in case FIR No.98/2021 dated 19.10.2020, registered under Sections 9(c) and 15 Control of Narcotic Substances Act, 1997 (*To be referred hereinafter as "Act of 1997"*) at Police Station ANF, Peshawar and is behind the bars since his arrest on 19.10.2020. Grievance of the petitioner is that his case has been transferred from the Special Court established under section 22 of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (*To be referred hereinafter as "Act of 2019"*), to the Special Court established under the Act of 1997, in compliance with the judgment dated 11.04.2023, passed by this Court in Transfer Application No.33-P of 2022; that on promulgation of the Act of 2019 on 4th September, 2019, jurisdiction of the Special Court established under the Act of 1997 was ousted to the extent of the

Khyber Pakhtunkhwa by the express provisions of Section 59 of the Act of 1997, consequently, the Courts of Sessions Judges and the Additional Sessions Judges in the Province of the Khyber Pakhtunkhwa, were conferred with the powers of the Special Courts under the Act of 1997 as well as under the Act of 2019; that after promulgation of the Act of 2019, one Muhammad Siddique accused in case FIR No.143/19 registered under section 9 (c) of the Act of 1997 registered at ANF, filed Writ Petition No. 2889-P/2020, titled, "Muhammad Siddique Vs Federation of Pakistan & others" before this court wherein he questioned vires of the Act of 2019 and sought issuance of the following writ:-

"To declare that arrest/seizures, investigation conducted by respondent No.4 within the territorial jurisdiction of Khyber Pakhtunkhwa after the commencement of the Act of 2019 as illegal, unlawful without jurisdiction, without lawful authority, coroum-non-judice and beyond the mandate of the Act of 2019.

To direct the respondent not to submit challan before the court of Judge Special Court (CNS) under the CNS Act, 1997 against the petitioner.

The Writ Petition (*ibid*) was contested by the respondents and this court after hearing both the sides,


vide judgment dated 01.12.2020, observed that section 59 of the Act of 2019 has effectively repealed section 9 (c) of the Act of 1997 to the extent of the Khyber Pakhtunkhwa. However, the accused shall be charged under section 9 or 11 of the Act of 2019, as the case may be, by an authorized Officer; that members of the ANF had powers of police for arrest and investigation of narcotics offences and could investigate offences under the Act of 2019 as an authorized officer; that Special court established by the Federal Government could not take cognizance of an offence under the Act of 2019, as the special court established under section 22 of the Act of 2019 has the exclusive jurisdiction to try all offences under the Act. For the sake of convenience and ready reference relevant part of the judgment (ibid) is reproduce below:-

“The Courts established under section 22 of the Act of 2019, in view of section 23 have the exclusive jurisdiction to try all offences cognizable under the Act of 2019, which read as:-

“S.23. Jurisdiction to Try offences:- The special court shall have the exclusive jurisdiction to try all offences cognizable under this Act.

Therefore, **the Special Court established under section 46 of the Act of 1997, could not take cognizance of any offence, under**

the Act of 2019, as in view of Section 45 of
the Act of 1997, such courts established
under section 46 of the Act of 1997 could
exercise power against offences,
committed under the Act of 1997,
however, the Special Court, established
under section 46 of the CNS Act, 1997,
could proceed in accordance with law, in
cases already registered before the
promulgation of the Act of 2019. Such
 cases could not be effected thereof by
 promulgation of the Act of 1997.



Therefore, for the reasons
 mentioned hereinabove, this and the
 connected writ petitions are disposed of
 with direction to ANF, to substitute
relevant provision of law, provided
thereunder the Act of 2019, for the
concern offence and report under section
173 Cr.P.C. be submitted before the
Special Court CNSA established under
section 22 of the Act of 2019, and cases
already submitted before the Special Court
CNS established under section 46 of the
Act of 1997, registered after promulgation
of the Act of 2019, shall be transferred to
competent Special Courts, established
under section 22 of the Act of 2019 and
the Special Courts on receipt of cases, may
substitute, charge the accused under

relevant provision of the prevailing law of the Act of 2019, accordingly." (Bold and underlines are our for emphasis).

3. Being discontented, the Regional Director Anti-Narcotics Force (ANF), filed **Review Petition No.178-P/2020** for review of the judgment (supra) of this court but the same was dismissed vide judgment dated 20.06.2022, for the reasons that no mistake or error could be pointed out in the judgment under review, and secondly, that the matter is subjudice before the Hon'ble Supreme Court. Operative part of the judgment is reproduced below:-

"We are of the firm view that review is not available for reconsideration or re-hearing of the case. We find that the points urged by the learned counsel for the petitioners have elaborately been discussed and answered by this court in the impugned judgment; therefore, the same cannot be re-opened in review petition. Nothing has been shown by the petitioners that there has been mistake or error apparent on the face of the record, whereby judgment passed by this court could be reviewed, particularly, when civil petition for leave to appeal against the impugned judgment is sub-judice before the Hon'ble Supreme Court of Pakistan. In the circumstances no case for review is made out, consequently, this review petition is dismissed.

4. It is important to mention here that judgment dated 01.12.2020 in WP No.2889-P of 2020, was

followed and relied upon by this court in its judgment dated 14.01.2021, rendered in WP No.1237-P/2021, titled, "Gul Khan Vs the State", relevant part of which is reproduced below for ready reference:-

"We have before us the judgment of this Court passed in case titled, "Muhammad Sidique Vs Federation of Pakistan" (Writ Petition No.2889-P/2020). In the said petition, the petitioner had challenged his arrest and investigation by the ANF in the cases whereby the contraband were recovered from him. The question of jurisdiction of ANF to investigate in the matter and submission of challan before the court was extensively discussed in the said judgment. This court while considering section 6 of the CNSA, 1997, has held that ANF has the jurisdiction to arrest and investigate any matter relating to narcotic. However, in view of section 59 of the KP CNSA, 2019 repealing the jurisdiction of all courts established under CNSA 1997, this court has held that ANF after completion of investigation shall submit challan before the Special Court established under section 22 of the KP CNSA 2019. The judgment of this court was followed in the subsequent judgment dated 14.01.2021 passed in WP No.

654-D/2020, therefore, we are not inclined to hold a different view.

In view of the above, we direct the ANF to submit complete challan in all these cases before the Special Court established under section 22 of the KP CNSA 2019 within fifteen (15) days from receipt of this judgment. Similarly, if any challan is submitted before the Special Court established under CNSA 1997, the said Court shall transmit the cases to the Special Court established under section 22 of the KP CNSA 2019 forthwith. (Bold and underlines are our for emphasis).

5. In compliance of the judgments (supra) of all the cases registered by the ANF, after promulgation of the Act of 2019 and pending trial before the Special Court (CNS) established under the Act of 1997, were transferred to the special courts empowered under section 22 of the Act of 2019 for trial and conclusion.

6. On 31st March, 2022, Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2022 (*To be referred hereinafter as the "Amendment Act of 2022"*) was promulgated whereby section 58A was inserted in the Act of 2019. Because of insertion of 58A in the Act of 2019, the respondents filed Transfer Application No.33-P of 2022, titled, "Anti Narcotic Force Vs Govt of KPK" before this court

for transfer of all pending cases/trials of the ANF from the Special Courts established under the Act of 2019 to the Special Court (CNS) established under the Act of 1997. This court after hearing both the sides vide judgment dated 11.04.2023, passed the following order:-

“Since all the cases of ANF pending in any special Court of CNS, before the commencement of the Amendment Act, 2022, have been validated and given continuity to be tried in the Special Courts under clause (d) of section 58A of the Act of 2019, therefore, the instant application is disposed of in terms of directions that all the like nature cases pending in the courts of Secessions Judges/Judge Special Courts, established by the Provincial Government be transferred to the Special Court (CNS) established by the Federal Government”.

7. Feeling aggrieved, the petitioner has filed the instant application for reconsideration of the judgment (*ibid*), in light of the judgments dated 01.12.2020 in WP No.2889-P/2020 and judgment dated 14.01.2021, in WP No.1237-P of 2021, which though have been assailed before the Hon’ble Supreme Court but being not suspended, still holds the field.

8. We have heard the arguments of learned counsel for the parties and perused all the judgments (ibid) of this court as well as the law on the subject i.e. the Act of 2019 since its promulgation and till insertion of section 58A.

9. The main controversy before this larger Bench is "Whether order/judgment dated 11.04.2023, passed by Hon'ble Division Bench of this Court in Transfer Application No.33-P/2022, in pursuance whereof cases registered by the Anti-Narcotic Force (ANF) under the Act of 1997 and pending adjudication before the Special Courts established under the Act of 2019, after promulgation of the Act of 2019 on 4th September, 2019 till Amendment Act of 2022 notified on 31st March 2022, have rightly been ordered to be transferred to the Special Courts established under the Act of 1997?

10. Undeniably, impugned judgment dated 11.04.2023, passed in the Transfer Application No.33-P of 2022, is in conflict with the judgments dated 01.12.2020 and 14.01.2021, passed by Hon'ble Division Benches of this Court in Writ Petition No.2880-P/2020, titled, "Muhammad Sidique Vs Federation and others" and Writ Petition No. 1237-P/2021, titled, "Gul Khan Vs the State", respectively, and rightly so because the former

judgment/order has been passed after promulgation of the Amendment Act of 2022, while the latter two judgments of the Division Benches are before promulgation of the Amendment Act of 2022. In the former judgment, this court has directed ANF, to substitute relevant provision of law, provided under the Act of 2019, for the concern offence and report under section 173 Cr.P.C. be submitted before the Special Court CNSA established under section 22 of the Act of 2019, and cases already submitted before the Special Court CNS established under section 46 of the Act of 1997, registered after promulgation of the Act of 2019, shall be transferred to competent Special Courts, established under section 22 of the Act of 2019 and the Special Courts on receipt of cases, may substitute, charge the accused under relevant provision of the prevailing law of the Act of 2019, accordingly. Review Petition No.178-P/2020 filed against the judgment (*ibid*) by the respondents has also been dismissed vide judgment dated 20.06.2022. The respondents have questioned the judgment (*ibid*) before the Hon'ble Supreme Court by filing Civil Petition wherein leave has been granted, however, judgment of this court has not been suspended and the matter is still subjudice. Similarly, judgment dated 14.01.2021 passed by Division Bench of this Court in WP No.1237-P of

2021, wherein the judgment dated 01.12.2020 has been followed and relied upon, is also still in the field. Since the judgments (*ibid*) of this court still hold the field and the matter is subjudice before the Hon'ble Supreme Court, therefore, we shall restrict our findings only to the extent of jurisdiction of the Special Courts established under the two Statutes/Laws with regard to the cases registered by the ANF after promulgation of the Act of 2019 till 31st March, 2022 when the Amendment Act of 2022 was promulgated, because large numbers of cases i.e. 315 are pending in limbo on account conflicting provisions between the two Statutes.

11. After promulgation of the Act of 2019, in the year 2022, the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment Act, 2022) was introduced on 31st March 2022 wherein besides other essential amendments, section 58-A was inserted in the Act of 2019 so as to curb the anomaly arisen in pursuance of the two laws, which for the sake of convenience and ready reference is reproduced below:-

"S.58A. Continuation and validation:-

Notwithstanding anything contained in this Act or any other law or rules, for the time being in force:-

- (a) The ANF shall continue to exercise powers and perform function under this Act.

(b) All actions taken, proceedings commenced and things done by the ANF under Control of Narcotic Substances Act, 1997 (Act No.XXV of 1997), in the province of Khyber Pakhtunkhwa, before the commencement of the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2022, shall be deemed to have been validly taken, commenced and done under this Act.

(c) The police station, established under section 6 of the Anti Narcotic Force Act, 1997 (Act No.III of 1997) shall deemed to be established under this Act and shall continue its function under section 44 of this Act; and

(d) All the cases of ANF, pending in any Special Court of ANF before the commencement of the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2022 shall continue to be tried in the special courts."

12. Admittedly, by the time when the judgments dated 01.12.2020 and 14.01.2020 were passed by this court in WP No.2889-P/2020 and Writ Petition No.1237-P of 2021, respectively, section 58A was not on the Statute Book of the Act of 2019, therefore, this court directed transfer of cases registered under the Act of 1997 by the ANF from the Special Courts established under the Act of 2019 to the Special Court

(CNS) established under the Act of 1997. By insertion of section 58A (b) of the Amendment Act 2022, all actions taken, proceedings commenced and things done by the ANF under the Act of 1997, in the province of the Khyber Pakhtunkhwa before the commencement of the Amendment Act, 2022, have been validated, however, this blanket saving has been circumscribed in clause (d) of section 58A of the Amendment Act, 2022, whereby its application has been limited to the extent of case registered by ANF pending in any special Court constituted under the Act of 1997 after promulgation of the Act of 2019 till promulgation of the KP Amendment Act of 2022, which shall continue to be tried in the Special Courts established under the Act of 2019. It is on the force of the Amendment Act of 2022 that the Hon'ble Division Bench of this Court transferred the pending trials back to the Special Court established under the Act of 1997 from the special Courts established under the Act of 2019 vide order dated 11.04.2023 passed in the Transfer Application No.33-P of 2022, however, in the order *ibid* it has not been clarified that such transfer of cases would be applicable to cases of the ANF registered in the interregnum period i.e. after promulgation of the Act of 2019 till Amendment Act of 2022.

13. Section 58-A clause (a) of the Act of 2019 declares that ANF shall continue to exercise powers and perform functions under the Act of 2019. Clause (ibid) is prospective and affirms the role of ANF under the Act of 2019 for future cases. It supports the judgments of this court passed in Writ Petition No.2889-P of 2020 and Writ Petition No.5072-P of 2020, albeit, with a more pronounced ANF role. The judgments ibid envisaged ANF members as authorized Officers according to the definition clause, the Amendment in the Act explicitly incorporates the ANF under the umbrella of the Act of 2019. Additionally, through the deeming clause, section 58-A designates ANF Police Stations established under section 6, ANF as Police Station, established under the Act of 2019. It is furthermore plain that section 58-A clause (b) by inserting the deeming clause validates all actions done, proceedings commenced or things done under the Act of 1997 as if they had been done under the Act of 2019. Read in conjunction, clause (d) of the same section protects the trial held by the Special Court ANF under the Act of 1997. On deeming clause writes **N.S Bindra in "The Interpretation of Statutes (Seventh Edition, 1984):-**

"The word deemed is used a great deal in modern legislation. Sometimes it is used to

impose for the purpose of a statute an artificial construction of a word or phrase that would not otherwise prevail. Sometime, it is used to put beyond doubt a particular construction that might otherwise be uncertain. Sometimes, it is used to give a comprehensive description that includes what is obvious, what is uncertain and what is in the ordinary sense impossible.”

In case titled, “**Shah Said vs State**” (PLD 1958 **Peshawar 51**), accused Shah Said was convicted under section 302 PPC read with section 11 of the Frontier Crimes Regulation (FCR) and sentenced to 14 years R.I. by the Deputy Commissioner Mardan on 26th April 1954. At the relevant time, FCR was not extended to District Mardan. On 10th December, 1964, FCR was amended and extended to six districts including Mardan and the amending Act read that all orders made, proceedings taken, sentences passed and acts done in all the six districts were deemed to have been validly taken under the Regulation. This Court while dismissing the writ Petition held as under:-

“Validating Acts are essentially designed to legalize those acts of the administrative authorities or statutory bodies which when done had failed to achieve the expected results only by reason of some statutory

disability or irregularity. The Act validates all orders made under the Frontier Crimes Regulation which when made the authorities concerned honestly and genuinely thought and believed that they possessed powers under the Frontier Crimes Regulation to pass such orders. The Act is curative in character and there is no constitutional bar for the legislature to pass them. The legislature has unfettered power to make laws giving them either expressly or by necessary implication the retrospective operation. The intention of the legislature that all previous acts passed by the relevant authorities are legalized is clear from the Acts themselves and the courts are bound to give effect to it."

Indian Supreme Court in "Central Bureau of Investigation Vs Suboth Kumar Dutta" 17th January, 1997, while dealing with an objection to Special Court's jurisdiction, which had not been constituted under the newly enacted Prevention of Corruption Act, 1988 held as under:-

"A bare look at the provisions of sub-section 2 of section 30 shows that anything done or any action taken or purported to have been taken under or in pursuance of the Prevention of Corruption Act, 1947,

shall be deemed to have been done taken under or in pursuance of the corresponding provision of the Prevention of Corruption Act, 1988. Given this specific provision, the cognizance of the offence taken by the Special Court stood saved”.

To refer to the Nova Scotia Court of Appeal decision in “Bauman vs Nova Scotia” (Attorney General), 2001 NSCA 51, the problem lies in recognizing when an impermissible retrospective operation result. As was noted William Black in “Charter Rights Application to Pre-Enactment Events”, 1982, UBCL. Review (Charter special edition), 59 at P.63:

“The distinction between future consequences of a past event (retrospective) and a future consequence of an ongoing condition or state of affairs (prospective) is often unclear.

14. Granting relief in Transfer Application No.33-P of 2022, constituted an impermissible retrospective application of 58-A clause (b) and (d) in that it required the court to first create invalidity out of an already valid action. Record of the case shows the unhappy phraseology in clause (d) led to confusion regarding the precise interpretation of the Special Court, prompting a Government’s clarification. In response, the Government said that the reference to the

Special court in clause (d) means the Federal Court ANF. Despite the muddle sometimes seen in legislative drafting, it is crucial to ascertain the legislature's intent. "Unhappy wording, infelicitous expression of imperfect or inartistic drafting may not defeat for that reason alone the obvious object of the validating law and its retrospective content. The real question is whether the court can speculate on presumed intent of the Parliament and rewrite that object with implicit sense. We listen to largely the language of the Statute but where, as here, clearing up of marginal obscurity may make interpretation surer if light from dependable sources were to beam in, the court may such aid. What is obvious as legislative intent from section 58-A clause (b) is that the legislature gave validity to proceedings conducted under the Act of 1997, which were otherwise required to be conducted under the Act of 2019. For the same reason, the legislature gives protection to the trial held under the Act of 1997. It is obvious that neither the Act of 2019 nor the amendment Act of 2022 will have any impact on the ANF's authority to investigate offences of interprovincial narcotics trafficking under the Act of 1997 or the jurisdiction of the Federal Courts established under the Act of 1997 as section 59 of the Act of 2019 has repealed the Act of 1997 to the extent

of narcotics offences within the province. We are fortified in this regard by the judgment of the Hon'ble Supreme Court in case titled, **"State through Director ANF Peshawar vs Yasir Khan"**, rendered in Criminal **Petition No.7 of 2021**, wherein it has been held that:-

"Consequently, notwithstanding section 59 ibid, the CNS Act, 1997 remains effective with respect to matters falling exclusively within the jurisdiction of the Federation. **As a result, the inter-provincial movement of narcotics is also outside the ambit of the repealing provision. The Special Court CNS therefore, possesses jurisdiction to try cases to such extent"**.

We are also mindful of the Civil Petition for leave to appeal pending before the Hon'ble Supreme Court. On its effect, it is apt to refer to Crawford Statutory Construction, 1940 Edition:-

"While pending litigation may be exempted from the operation of curative statutes in many instances it is not. But, in either case, however, a number of problems arise. Moreover, there is also considerable confusion in the decisions pertaining to their solution. For instance, where pending litigation is not exempt, some courts have held that the Curative Act will apply even after the case has been appealed, and others that it will apply to any case wherein judgment has been

appealed and others that it will apply to any case wherein judgment has been rendered in the lower court. Perhaps the best rule is that a final judgment cannot be affected”.

15. As stated above, all actions taken, proceedings commenced and things done by the ANF under the Act of 1997, in the Province of the Khyber Pakhtunkhwa, before the commencement of the Amendment Act of 2022, shall be deemed to have been validly taken, commenced and done under the Act and all the cases of ANF, pending in any Special Court of ANF, before commencement of the Amendment Act of 2022, shall continue to be tried in the Special Courts established under section 46 of the Act of 1997 in terms of section 58A (d) of the Act of 2019, however, these pending cases would be dealt with by the Special Courts constituted under the Act of 1997 in accordance with the provisions of the Act of 2019. The word “proceeding” has not been defined anywhere in the Acts (ibid), however, it is a word much used to express the business done in courts. In Black’s Law Dictionary Eight Edition word “proceedings” means *(1. The regular and orderly progression of a law suit, including all acts and events between the time of commencement and the entry of judgment 2. Any procedural means for seeking redress from a tribunal or agency. 3. An act or step that is part of a larger action. 4. The*

business conducted by a court or other official body). In case titled, *“Ali Gohar and others Vs Pervaiz Ahmed and others” (PLD 2020 Supreme Court 427)*, the word “proceedings” came up for consideration and discussion before the Supreme Court wherein it was observed that:-

“The terms “proceedings” has not been defined in the Cr.P.C. or P.P.C or even the Act, it would then be safe to apply its ordinary meaning. A similar exercise was extensively carried out by this court in the State Vs Naeemullah Khan (2001 SCMR 1461), wherein the word “proceedings” having not been defined in Hazara Forest Act, 1936, was considered in its ordinary dictionary meaning in the light of the judicial opinion rendered by this court and across the border. This Court affirms the opinion regarding the purpose of the term “proceedings” finally expressed in the said decision, when it concluded that:-

“Keeping in view the literary meaning and the interpretation of the word “proceedings” as interpreted in various pronouncements given above, we are of the opinion that the word “proceedings” is a comprehensive expression which includes every step taken towards further progress of a cause in court or tribunal from its commencement till its disposal. In legal

terminology the word
"proceedings" means the
instituting or carrying on of an
action of law. Generally, a
"proceedings" is the form and
manner of conducting judicial
business before a court or judicial
Officer, including all possible
steps in an action from its
commencement to the execution
of a judgment and in a more
particular sense it is any
application to a court of justice for
aid in enforcement of rights, for
relief, for redress of injuries, or
damage or for any remedial
objection. It in its general use
comprehends every step taken or
measure adopted in prosecution or
defence of an action."

Moreover, the amendment has been brought in the
Procedural Law, therefore, shall have no bearing on the
substantive rights of the petitioner. It is also settled law
that amendment in the Procedural Law can be
implemented/given effect retrospectively. Consequently,
this court in its judgment dated 11.04.2023, passed in TA
No.33-P of 2022 has rightly held that all cases of ANF
pending in any special court of (CNS) before the
commencement of the Amendment Act, 2022, have been
validated and given continuity to be tried in the Special
Courts under clause (d) of section 58A of the Act of 2019
to which no exception can be taken.

16. For what has been stated above, the instant Cr.Misc. No.12-P of 2023 in Transfer Application No. 33-P of 2022, stands dismissed.

17. The worthy Additional Registrar (Judicial) of this Court is directed send copy of this judgment to the Director Anti-Narcotic Force (ANF) KP Peshawar and the worthy Sessions Judges of all the Districts of the Khyber Pakhtunkhwa, who shall onward circulate the same amongst the Special Courts established under the Act of 2019 and Act of 1997 for compliance and guidance.

Announced:

14/12/2023

M.Siraj Afridi CS



Senior Puisne Judge



JUDGE



JUDGE

Larger Bench:

Mr. Justice Ishtiaq Ibrahim, Hon'ble Senior Puisne Judge;
Mr. Justice Shakeel Ahmad and Mr. Justice Sahibzada Asadullah