

Ph: 9082235
Fax: 9220406

REGISTERED
No. CrI.A.15/2018 -SCJ
SUPREME COURT OF PAKISTAN
Islamabad, dated 11th January, 2018

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Registrar,
Peshawar High Court,
Peshawar. 400 R.P.

Subject:

CRIMINAL APPEAL NO. 15 OF 2018
OUT OF

CRIMINAL PETITION NO. 485 OF 2017

Muhammad Israr Khan s/o Jamroz
Muhammad Javed Khan s/o Salah ud Din
Versus

Chairman National Accountability Bureau, Islamabad & others

On appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 13.04.2017 in Eh.CrI.Appeal No.24-P of 2016

Dear Sir,


I am directed to enclose herewith a certified copy of the Order of this Court dated **09.01.2018** converting into appeal the above cited Criminal Petition and allowing the same in the terms stated therein for further necessary action.

Please acknowledge receipt of this letter along with its enclosure immediately.

Yours faithfully,

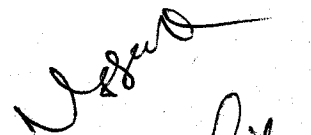
Encl:

Order:


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Peshawar High Court Peshawar	
Receipt No	558
Date	12/1/18
1. MIT	
2. Dir (HRC)	
3. Dir (ReG)	
4. Dir (HR.W)	
5. DPO	
6. PSO	
7. DBA	
8. DIT	
9. AR(J)	

859/117P


Rufus File

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE MAQBOOL BAQAR
MR. JUSTICE IJAZ UL AHSAN

Crl. PETITION NO. 485 OF 2017

(Against the impugned judgment dated 13.04.2017 of the Peshawar High Court, Peshawar passed in Eh. Crl. Appeal 24-P/2016)

Muhammad Israr Khan and another

Petitioner(s)

VERSUS

Chairman NAB and others

Respondent(s)

For the Petitioner(s) : Mr. Sardar Ali Raza, ASc
Syed Rifaqat Hussain Shah, AOR

For the Respondent(s) : Ch. M. Farid ul Hassan, Spl Prosecutor

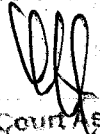
Date of Hearing : 09.01.2018

ORDER

EJAZ AFZAL KHAN, J. This petition for leave to appeal has arisen out of the judgment dated 13.04.2017 of a Division Bench of the Peshawar High Court, Peshawar whereby it maintained the order of the Accountability Court confirming the order of the DG NAB freezing the account of the petitioners.

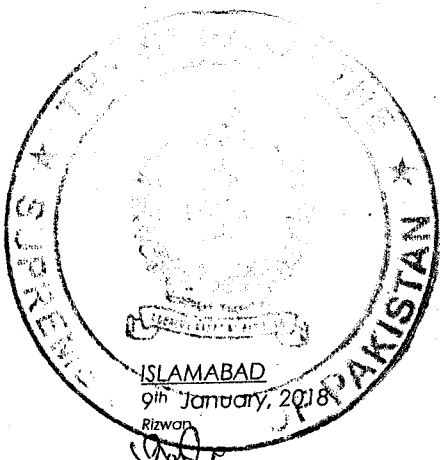
2. Learned ASC appearing on behalf of the petitioners by taking us through the orders passed the DG NAB, Accountability Court and the judgment of the High Court sought to canvass at the bar that in the absence of any precise allegations against the petitioners no order freezing the accounts could be made; that if at all any excess payment has been made what is the extent thereof and that without quantifying it neither the DG NAB exercising delegated powers could pass such order

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

nor the Accountability Court could confirm it. The High Court, the learned ASC added could have stepped in to rectify the error but it too mechanically maintained the impugned orders.

3. The learned Special Prosecutor appearing on behalf of the respondents stated that huge payment has been made to the petitioners without justification but he too could not specify and substantiate it with facts and figures. The orders impugned herein are also shorn of reasons. Even the allegations have not been stated with particularity. Order passed by the DG NAB, confirmed by the Accountability Court and maintained by the High Court without specifying allegations and recording reasons thus cannot be upheld. We therefore convert this petition into appeal, allow it, set aside the impugned judgment and orders and send the case back to the competent authority for passing an appropriate order in terms of Section 24-A of the General Clauses Act, after hearing the petitioners.



10/1/18

Sd/- Ejaz Afzal Khan, J
Sd/- Maqbool Baqar, J
Sd/- Ejaz ul Ahsan, J

Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad

