

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Munib Akhtar
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mr. Justice Muhammad Ali Mazhar

SUO MOTO CASE NO.2 OF 2022

(Re: Apprehension of Undermining the Criminal Justice System by Persons in Authority. Prima Facie Violation of Article 10A, 25 and 4 of the Constitution).

In attendance:

Mr. Ashtar Ausaf Ali,
Attorney General for
Pakistan

Date of Hearing : 19.05.2022

ORDER

Notice is issued to the Secretary, Ministry of Interior, the Director General, FIA, the Chairman/Regional Directors, NAB, the Prosecutor Generals and Advocates Generals in the Provinces and the ICT and the Head of Prosecution Branch in FIA and NAB. The said officers shall file their statements in writing, answering to the extent relevant to them, the allegations, the facts and the material that are contained in the order of 18.05.2022 and the opinion of the learned recommending Judge for commencement of these proceedings. The points that are

involved for response and explanation by the said officers are:

- (i). The names of such officers and their successors in the Investigating Branch and the Prosecution Branch of FIA and NAB in High profile cases who have been transferred, posted, removed from their positions in the last six weeks.
- (ii) The names of persons who have been removed from ECL during the said period and the process employed in distinguishing their cases for the relief granted. The description of the process now adopted for dealing with the ECL affectees and whether the previous process has been amended or abandoned as a result. Status quo shall be maintained till the next hearing.
- (iii) The steps taken for the preservation of the case files and the case record with the Investigating Branch, the Prosecution Branch and the Record of the concerned Trial Court whether a Special Court (Central) or an Accountability Court.
- (iv) The Investigation and Prosecution record in respect of high profile cases pending with both the FIA and the NAB shall, unless required for submission in Court, be checked, verified and kept in safe custody of the head of the concerned department and a report stating compliance to the

said effect shall be presented to the Court on the next date of hearing.

(v) No prosecution case shall be withdrawn until the next date of hearing.

2. Notice shall also be issued to the Registrars of the High Courts of the Provinces and ICT for conveying this order to the Courts of Special Judge (Central) and Accountability Courts functioning within the jurisdiction of the respective High Courts.

3. The Court is concerned with the guarantees provided by the Constitution to the peoples of Pakistan in Article 4 for the rule of law, Article 10 for compliance with due process and Article 25 of the Constitution for equal protection of and equal treatment of all persons in accordance with law. These guarantees serve to assure the integrity, sanctity and fairness of the Criminal Justice System; and to secure that alone is the object of these proceedings.

4. Transfers, postings and removals of persons involved in the investigation of or prosecution of high profile cases falling within charge and jurisdiction of the Courts of Special Judge (Central) and the Accountability Courts shall not be removed, transferred or posted till further orders.

5. The learned Attorney General for Pakistan seeks leave to file documents that to his mind shall be of assistance in the matter of securing, promoting and ensuring the integrity, sanctity and the fairness of the Criminal Justice system in the Investigation, Prosecution and trial of high profile cases before the above mentioned Courts.

6. Adjourned to 27.05.2022

CHIEF JUSTICE

JUDGE

JUDGE

JUDGE

Islamabad
19.05.2022
Naseer

JUDGE

