

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE AMIN-UD-DIN KHAN

MR. JUSTICE JAMAL KHAN MANDOKHAIL

Jail Petition No. 516 of 2018

(Against the judgment dated 29.04.2016 passed by the High Court of Sindh, Karachi in Criminal Appeal No.192 of 2014)

Muhammad Iqbal

...Petitioner (s)

Versus

The State

...Respondent(s)

For the Petitioner(s):

Mr. Zulfikar Khalid Maluka, ASC

For the State:

Mr. Sajid Ilyas Bhatti, Addl. AG Pak
Mr. , AOR

For Trading Department
Authority of Pakistan:

Syed Muhammad Hasnain Ibrahim
Kazmi, ASC
Syed Rifaqat Hussain Shah, AOR

Date of Hearing:

15.12.2021

ORDER

AMIN-UD-DIN KHAN, J.- for the reasons to be recorded later this jail petition is converted into appeal and allowed in the following terms:-

1. The application (Cr.M.A.1277 of 2018) for condonation is allowed.
2. We maintain the judgment of the learned High Court to the extent of conviction and sentence awarded to Muhammad Iqbal under Section 5(1) of Import and Export (Control) Act, 1950 (Act No. XXXIX of 1950 in Complaint Case No. 01/2012. However, we set aside the condition of payment/refund of compensation amount for his release. Convict Muhammad Iqbal has already served

his sentence, therefore, he be released forthwith if not required in any other case.

3. The Federal Government, under section 5-B (5) of Import and Export (Control) Act, 1950 is directed to pay Mrs. Lina Bomba of JEAD Textile Limited, Sydney, Australia (buyer) compensation/refund an amount of US Dollar \$ 87671.21 along with interest at the prevailing bank rate from the date of judgement of trial court i.e. 25.06.2014 till the date of payment from the Revolving Fund established under Section 8 of Import and Export (Control) Act, 1950 or, from the Federal Consolidated Fund, if the former has not been established yet. Secretary to the Ministry of Finance, Government of Pakistan, is directed to submit compliance report to the Additional Registrar (Judicial) of this Court within a fortnight.
4. The Federal Government may recover the amount of compensation from convict Muhammad Iqbal in terms of Section 5-B (6) and (7) of Import and Export (Control) Act, 1950 as arrears of land revenue, in separate proceedings as per law.

Judge

Islamabad, the
15th of December, 2021
(Syed Farhan Ali)

Judge