

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.69-Q of 2019

(Against the judgment dated 09-8-2019 passed by the High Court of Balochistan, Quetta in CrI. Appeal No.330/2017)

Manzoor Ahmed Akhtar

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): Mr. Manzoor Ahmed Rehmani, ASC

For the State: Syed Abdul Baqar Shah, ASC at Islamabad along with Wallayat Hussain Addl. P.G. Balochistan at Quetta

Date of hearing: 09.09.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- The petitioner, a Secondary School Teacher, was tried on a criminal charge that resulted into his conviction; guilty verdict, upheld throughout, alongside corporal consequences risked him his job as well. After his release, he successfully hoodwinked the department by presenting a fake decision of High Court of Balochistan, purporting to have acquitted him from the charge, as a consequence whereof, he was given posting again in the department with all benefits through condonation of absence period as earned leave. On an application, the Anti Corruption Department initiated inquiry against the petitioner and co-accused Nazeer, an office Superintendent, blamed to have facilitated him in betraying the public exchequer. A learned Special Judge acquitted the co-accused by extending him benefit of the doubt, however, convicted and sentenced the petitioner, as under:

"U/s 409 PPC, 10-years RI with fine of Rs.80,000/-

U/s 420 PPC, 7-years RI with fine of Rs.50,000/-

U/s 467 PPC, 10-years RI with fine of Rs.80,000/-

U/s 468 PPC, 7-years RI with fine of Rs.50,000/-

U/s 471 PPC, 7-years RI with fine of Rs.50,000/-

U/s 5(2)47 PCA, 4-years RI with fine of Rs.50,000/-

The High Court modified the judgment by setting aside petitioner's conviction under sections 409, 420 & 467 of the Pakistan Penal Code, 1860, however, maintained the guilty verdict on the remainder charges with addition of conviction under section 466 of the Code *ibid vide* impugned judgment dated 9-8-2019, *vires* whereof, are being assailed on the ground that after prosecution's failure on the main charges, the only option available to the High Court was to record clean acquittal. It is further argued that acquittal of office Superintendent, indicted for being privy to the crime also demolished prosecution case qua the petitioner as well; he emphatically disowned the fake judgment. The learned Law Officer, assisted by Syed Abdul Baqar Shah, ASC, has faithfully defended the impugned judgment;

2. Heard. Record perused.

3. Petitioner's prosecution and his conviction on a criminal charge is an admitted position; the judgment on the basis whereof he managed his posting was found fake; it is on the basis thereof that the petitioner not only manipulated his service but also derived benefit thereof and, thus, his disclaimer regarding the fake judgment merits outright rejection; he cannot disown a fake judgment relating to the case wherein he was tried and convicted and, thus, being the sole and obvious beneficiary now cannot escape consequences of ill-gotten gains; his treachery came into the knowledge of the Anti-Corruption Department when the co-villagers laid information of the mischief, paving way for his prosecution. Acquittal of office Superintendent, seemingly out of abundant caution, does not tremor the charge, distinctly and inexorably pointed upon petitioner's culpability; he has rightly been convicted and sentenced and the findings recorded by the Courts below have not been found by us as open to any exception. Petition fails. Leave declined.

Judge

Judge

Islamabad, the
9th September, 2020
Not approved for reporting
Azmat/-