

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Gulzar Ahmed
Mr. Justice Sh. Azmat Saeed

CMA No.4671 of 2012 in HRC No.19 of 1996

(News item published in Daily Express Tribune, Partner of International Herald Tribune, on 14.03.2012 under the following Caption "Misappropriation:- Government withdrew Millions from Intelligence Bureau's Account")

On Court Notice : Attorney General for Pakistan (Absent)
For Express Tribune : Mr. Asad Kharal, Reporter
For I.B. : Ms. Naveeda Noor, AD (L)
Date of Hearing : 02.01.2013

ORDER

In response to order dated 17.12.2012, reply has been submitted, which is found to be unsatisfactory. Let the D.G. (IB) furnish comprehensive fresh reply, however, he should keep in mind that he is the incumbent DG, therefore, he has access to the record and he should not conceal anything from the Court. He may also keep in mind that if the amount as alleged by Mr. Asad Kharal, was withdrawn for toppling of Government of Punjab in the year 2009 is not correct, atleast he should disclose that what was the other object of withdrawal of this huge amount and details of its expenditures as atleast record must have been maintained that to whom the amount was distributed. It would be appreciated and kept secret, if object and purpose of spending

huge tax payer amount is also disclosed. If reply seems satisfactory, direction shall be issued to Mr. Tariq A. Lodhi, former DG (IB), for his personal appearance to testify on the basis of record and in such situation, if he appears and confirms the fact at that time, the incumbent D.G (IB) has to face some embarrassment. It is noteworthy that Mr. Tariq A. Lodhi was holding charge for two months, in his earlier reply had not denied the withdrawal of the amount except stating that it was not for toppling of the Punjab Government. So, prima-facie, inference can be drawn that the amount was withdrawn and there should not be any reason for the incumbent DG to conceal the facts from the Court. We expect full cooperation from him, being a responsible officer and head of one of the most important intelligence organizations of the country. Dr. Muhammad Shoaib Suddle, former D.G. (IB) has not sent any reaction, therefore, the instant order be also sent to him through the Registrar to inquire as to whether if he had any information, he should communicate before the next date of hearing in writing through the Registrar of this Court. The Secretary Finance, Government of Pakistan is also directed to trace the record on the basis of which sanction was made for withdrawal of amount referred to in the earlier orders, with details of transferring the same in the account of IB as well as communication for such withdrawal must be with the Finance Department, through some treasury/bank. Notice to Mr.

Masood Sharif, former DG (IB) be also repeated in pursuance of earlier order dated 28.11.2012.

2. Adjourned to 8th January, 2013. The sealed envelope containing replies of former DG's (IB) Mr. Aftab Sultan and Mr. Javed Noor has been opened and perused and is ordered to be re-sealed, as confidentiality has been claimed.

3. When we have dictated the above order Mr. Asad Kharal, petitioner as well as Ms. Naveeda Noor, A.D (Legal) IB have left the courtroom. The Registrar of this Court has sent a sealed envelope received by him from Dr. Muhammad Shoaib Suddle, the same was opened in the Court. The assertions made in the letter by Dr. Muhammad Shoaib Suddle, prima facie, confirm the allegations put forward by the petitioner Asad Kharal. However, to the extent of withdrawal of huge amount of Rs.40 crore, during the years 2008-09 but not for the purpose of toppling the Punjab Government, as he has considered it a farfetched phenomenon. The report received from him is ordered to be re-sealed and kept in safe custody.

4. In view of the contents of report, we direct Mr. Tariq A. Lodhi through the DG (IB) to appear in person on the next date of hearing, already fixed as 8th January, 2013. However, implementation of the earlier portion of the order as directed therein is required to be made in the same manner except further communicating Dr. Muhammad Shoaib Suddle, as his reply has

been received. This order be communicated to the DG (IB) during the course of day, enabling him to establish contact with Mr. Tariq A. Lodhi, to appear in person on the next date.

CJ.

J.

Islamabad
02.01.2013
Hashmi

J.