

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sardar Tariq Masood
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Crl. Petition Nos.527 to 529 of 2017 and
Crl. M.A. No.520/2018

*(Against the judgment dated 06.04.2017 of the Lahore High Court,
passed in Cr.As.460-E, 468a-E and 482-E of 2014)*

NAB through its Chairman, Islamabad

*...Petitioner
(In all cases)*

Versus

Brigadier (Retd.) Hamid Mehmood

(Crl. Petition No.527 of 2017)

Muhammad Shafique Ahmed

(Crl. Petition No.528 of 2017)

Khawaja Jamil Ahmed

(Crl. Petition No.529 of 2017)

...Respondent(s)

For the Petitioner(s):
(In all cases)

Mr. Naeem Tariq Sanghera,
Special Prosecutor, NAB

For the State:
(In all cases)

N.R.

Date of Hearing

22.02.2022.

ORDER

Qazi Muhammad Amin Ahmed, J.:- Brig. ® Hamid Mehmood, Muhammad Shafiq Ahmed and Khawaja Jamil Ahmed, respectively arrayed as respondents in Crl. P. No.527, 528 & 529 of 2017, respectively, were returned a guilty verdict by Accountability Court No.1 Rawalpindi in NAB Reference No.19 of 2006 vide judgment dated 11.11.2014; convicted under section 9-a (iii), (iv), (vi) & (xii) of the National Accountability Bureau Ordinance, 1999 and sentenced to 12-years rigorous imprisonment each with fine to the tune of US \$ 2.4 million, to be apportioned equally, recoverable as arrears of land revenue, under section 10 thereof with forfeiture of US \$ 1,15,883 deposited by Brig. ® Hamid Mehmood respondent at the time of his release on bail; they were also disqualified in terms of section 15 of the Ordinance *ibid*. A Division Bench of the Lahore High Court, vide

impugned judgment dated 6.4.2017 acquitted the respondent from the charge, being impugned through the captioned petitions.

2. According to the prosecution, Brig. ® Hamid Mehmood was chief executive/owner of a Lahore based company set up under the name and style of Khalid Tariq Trading Company whereas Muhammad Shafique Ahmed, Director of Nizampur Cement Plant (NCP), owned by Army Welfare Trust (AWT); Khawaja Jamil Ahmed respondent ran a business at Karachi under the rubric of Unique Agency. M/s Muhammad Shafique Ahmed in connivance with co-accused Khawaja Jamil Ahmed, latter purporting as an agent of M/s Product & Technologies Singapore signed a contract for supply of 40000 metric ton Indonesian coal to furnace the cement plant, without any accreditation from the said company. As per prosecution, Brig. ® Hamid Mehmood, being at the helm of affair and fully cognizant of the scam, played a pivotal role in transfer of Rs.144 million through Soneri Bank Rawalpindi by producing fake shipping documents without any consignment, ever reaching the furnace. It is also prosecution case that through fake and forged documents, a sum of US \$ 2395115 was released for M/s Products & Technologies Singapore with the connivance of one Hong Wei on 28.3.2005, a portion whereof comprising US \$ 115883 were transacted in the personal foreign currency account of Brig. ® Hamid Mehmood during the period 31.3.2005 to 19.4.2005. Khawaja Jamil Ahmed respondent caused further loss to the exchequer by assisting the co-accused to fabricate fake/bogus shipments from a local source to the tune of Rs.55.72 million. Total loss to the exchequer is worked out as Rs.13,70,91,628/- As the respondents claimed trial the prosecution produced 12 witnesses besides plethora of documentary evidence, confirming inter se transactions through automatic banking systems, viewed as constituting preponderance of "*proof beyond doubt*" by the learned Accountability Judge.

3. Learned Special Prosecutor NAB contends that in the face of irrefutable and overwhelming evidence, comprising transactions through banking channels, there was no occasion for the High Court to entertain any hypothesis, other than respondents' guilt and, thus,

the impugned acquittal, being in gross violation of settled norms of administration of criminal justice, warrants interference to avoid miscarriage of justice as well as to secure financial interest of the Republic. It is next argued that the so called "*shortcomings*" referred to by the High Court, being peripheral, illusory and inconsequential could hardly override the tangible positive proof, inexorably pointed upon respondents' culpability, being artificial, merit outright rejection. Leave is granted to, *inter alia*, consider the above contentions. Notice shall issue to the respondents throughailable warrants in the sum of Rs.1 million each with one surety, returnable to Additional Registrar (Judicial) of this Court. Direction issued by the High Court for the refund of amount deposited by Brig. ® Hamid Mehmood respondent at the time of his release on bail is held in abeyance till the final disposal of the appeal.

Judge

Judge

Judge

Islamabad, the
22nd February, 2022
Azmat/-

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