

Proceeding STH
Annex H
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IN THE SPECIAL COURT (OFFENCES IN BANKS) SINDH AT KARACHI

Case No.09/2015

The State Versus.....Muhammad Javed Akhtar & others

FIR No. 08 of 2015 of FIA CBC Karachi
U/s. 409/420/468/471/477-A/109/34 PPC

ORDER

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M/S 249 STH
Heard accused Muhammad Javed Akhtar, Wasiful Islam Siddiqui, Salman Ahmed, Muhammad Mustafiz Khan, Ramzan Ali, Muhammad Yousuf Kolia and Waseem M Hussain and the learned Public Prosecutor on behalf of the State. Also perused the case file.

Brief facts of the FIR are that Muhammad Yousuf Kolia Director/CEO of M/s Super Chemical Pvt. Ltd Landhi Industrial Area Karachi with criminal intention and collusion with accused Muhammad Javed Akhtar Manager HR alongwith officials of MCB and J.S bank opened fake accounts under the fake signatures and name of his petty employees on the basis of CNICs and made transactions of millions of rupees through fake accounts as such the accused have evaded the payment of taxes thereby causing loss to the public exchequer.

Perusal of the R & Ps shows that on 16.02.2015, interim charge sheet was filed in this case showing accused Muhammad Javed Akhtar in custody, accused Wasiful Islam Siddiqui on bail whereas accused Waseem M Hussain, Salman Ahmed, Muhammad Mustafiz Khan, Adnan Ahmed Abbasi, Muhammad Yousuf Kolia and Ramzan Ali as absconders. Thereafter final charge sheet was filed in this case on 15.10.2016 showing accused Muhammad Yousuf Kolia, Muhammad Javed Akhtar, Ramzan Ali, Wasiful Islam Siddiqui, Salman Ahmed, Muhammad Mustafiz Khan and Waseem M Hussain on bail and Adnan Ahmed Abbasi as absconder.

On 07.12.2015, charge against accused was framed to which he pleaded not guilty and claimed trial. The case pertains to the year 2015 and till date the prosecution side has produced the evidence of 13 witnesses before this Court out of 24 Pws whereas, evidence of the Investigation Officer is yet to be recorded. The record further shows that summons have been repeatedly issued to procure the attendance of remaining witnesses but efforts taken by court all in vain. The prosecution has miserably failed to produce its material witnesses. The Court has issued summons, notices, BWs, NBWs to procure the attendance of remaining Pws. The learned Public Prosecutor has failed to submit any proper justification and reasoning whatsoever regarding non-appearance of remaining Pws-in witness box.



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The record further indicates that the accused are facing trial in this matter since last more than six years and there is no fault on his part either by way of seeking adjournments or any other kind of delay tactics. Further dragging of accused in this trial for an indefinite period will be unjustified and against the basic principles of justice.

For the foregoing reasons, I am of the view that further keeping this case on the board of this Court without any progress will not serve any fruitful purpose and will be an exercise in futile. There is no any feasible to continue with this case anymore or to issue proclamation or writ of attachment against the Pws- under Section 87/88 Cr.P.C. Hence, in my firmed opinion, without announcing the judgment /order of acquittal or conviction, it would be appropriate to stop the proceedings of the case. Accordingly, the proceedings of this case are hereby stopped under Section 249 Cr.P.C. The prosecution is at liberty to apply for reopening of the case as and when attendance of is witnesses is procured. Accused Muhammad Javed Akhtar, Wasiful Islam Siddiqui, Salman Ahmed, Muhammad Mustafiz Khan, Ramzan Ali, Muhammad Yousuf Kolia and Waseem M Hussain are present on bail, directed to appear as and when required by the Court.



Announced in open Court

Given under my hand and the seal of the Court on this 30th June 2022

CERTIFICATE

Copy Applied on 01.7.2022

Fees Estimated on 04.7.2022

Estimated Fee Rs. ~

Copy Made Rs. ~

Copy Certified Rs. ~

Copy Delivered Rs. ~

Copying Fees : Pages 3

Urgent Fees : Pages 2 Rs.

Comparing Fees : Pages Rs.

Sd/- 30.06.2022
(Abdul Karim Ansari)
Presiding Officer
Special Court (Offences in Banks)
Sindh at Karachi

Certified to be True Copy

Muhammad Riaz
(MUHAMMAD RIAZ) 4/7/2022