

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Revision Appl.No.227 & 228 of 2025

Date	Order with signature of the Judge
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Present:
Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Syed Fiaz ul Hassan Shah.

Saad Ahmed MadniVs.The State & another.

19.12.2025.

Mr. Obaid ur Rahman Khan a/w Bahadur Jahangir Khoso, Advocates for applicant.
Jam Khizar, advocate for respondent No.2.
Syed Dur Muhammad Shah, DAG.

O R D E R
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MUHAMMAD IQBAL KALHORO J: Applicant, who is standing a trial in Crime Nos.10/2021 and 11/2021 U/s 409,420, 468, 471, 109, 34 PPC of P.S. FIA CBC, Karachi filed an application U/s 8(b), Offences in respect of Banks (Special Courts) Ordinance, 1984 (the Ordinance 1984) seeking permission for his employment. This application has been dismissed by the trial court vide impugned order holding that this application can only be moved by the employer to seek permission from the court to employ a person who is accused under the Ordinance, 1984. While concluding the same, learned trial court has reproduced entire section 8 including subsection (b) thereof which reads that no person shall, until the case has been finally decided by the Special Court employ or engage such person without permission of the Special Court for any service for the rendering of which any remuneration is payable.

2. It is apparent that learned trial court has taken into account only phraseology of subsection (b) which *prima facie* seems to address employer and not the employee. However, what the trial court has not taken into account is the fact it is the accused, who needs employment pending the trial. His right to employment being the subject matter, he has a right of hearing before any determination on such point by the court. Hence, it is not difficult to understand that for such determination to be made, both of them i.e. the accused or the employer can approach the court. The accused with the prayer that his employer be granted permission to employ him and the employer himself making such a request. It is not of much importance that who has decided to approach the court in this respect, what is of value is the determination by the court whether in the given facts and circumstance such permission is justified or not. At the most when application is moved by the accused, proposed employer could be made as a party so that he could be informed of the pending proceedings against the person, he is going to employ, which appears to be aim and object of the said provision of law. It

is not the form but substance of the provision of law which has to be taken into account for making a decision.

3. We, therefore, set-aside the impugned order and permit the applicant to file a fresh application making proposed employer as respondent or co-applicant as the case may be and the court before deciding such application shall hear the employer or if he is a respondent, issue him a notice to seek his view on the matter.

The Revision Applications are disposed of alongwith pending applications.

Office to place a copy of this order in connected Cr. Revision Application.

JUDGE

JUDGE

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