

## IN THE HIGH COURT OF SINDH AT KARACHI

**Present:**

Mr. Justice Omar Sial  
Mr. Justice Miran Muhammad Shah

### CR. REVISION APPLICATION NO. 109 OF 2025

Applicant : Mumtaz Hasan Khan  
through Mr. Zahid F. Ebrahim and  
Ms. Nazia Hanjrah, advocates

Respondents : Federal Investigation Agency  
Sindh through Mr. Dur Muhammad  
Shah, DAG a/w Mujahid Akbar,  
ADG(S), Zakir A. D. (Legal) and  
SIP Zeshan Shaikh, I.O. of FIA

Date of Hearing : 30.10.2025

Date of Decision : 12.11.2025

### **ORDER**

**Omar Sial, J.:**

**Background:**

1. On 21.01.2022, the State acting through S.I. Zeeshan Shaikh, registered F.I.R. No. 01 of 2022 under sections 409, 420, 468, 471, 477-A, and 109 P.P.C., read with section 5(2) of the Prevention of Corruption Act, 1947, and sections 3 and 4 of the Anti-Money Laundering Act, 2010, at the F.I.A.'s Commercial Banks Circles in Karachi. The allegation was that the National Bank of Pakistan, during the period 2015 to 2020, extended imprudent financing facilities to Hascol Petroleum Limited, resulting in a loss of Rs. 54 billion.
2. Earlier, in 2016, an international company, Vitol Dubai Limited, acquired 25% of Hascol's shareholding by purchasing the shares of Mr. Mumtaz Hasan Khan, Mr. Saleem Butt, and Mr. Liaquat Ali. When this share purchase transaction was effected, Mr. Saleem Butt was the Chief Executive Officer of Hascol.

3. Hascol was incorporated by Mr. Mumtaz Hasan Khan in 2001 as a private limited company, and it was in 2007 that it was converted to a public company and listed on the Pakistan Stock Exchange. The F.I.A. alleged that during the period from 2014 to 2016, when Mr. Syed Iqbal Ahmed Ashraf was President of the National Bank of Pakistan, the Bank extended finance facilities aggregating to Rs. 5 billion. From 2017 to 2019, Mr. Saeed Ahmed Khan served as NBP’s President, and during his tenure, the Bank’s exposure to Hascol rose to Rs. 15.65 billion. The F.I.A. alleged that the two Bank Presidents and Hascol’s Board of Directors had collusively and intentionally caused this loss. In the Challan filed, it was highlighted that Ms. Rima Ather, Mr. Syed Irtiza Kazmi, and the two Presidents, Mr. Syed Iqbal Ahmed Ashraf and Mr. Saeed Ahmed, all officers of National Bank, were actively involved in the financial scam. Among Hascol's names, those of Mr. Saleem Butt and Mr. Ali Ansari were prominent. The final challan was filed against 22 individuals, including those from Hascol, Vitol, and NBP. Several transactions were also highlighted in the challan, which allegedly revealed collusion among the twenty-two officers.

4. A bird’s eye view of the composition of the Board of Directors during the period 2015 to 2020 is as follows:

2015	2016	2017	2018	2019	2020
Dr. Akhtar Hassan Khan	Abdul Aziz Khalid	Abdul Aziz Khalid	Abdul Aziz Khalid	Abdul Aziz Khalid	Abdul Aziz Khalid
Farooq Rehmatullah Khan	Farooq Rehmatullah Khan	Farooq Rehmatullah Khan	Farooq Rehmatullah Khan	Farooq Rehmatullah Khan	Farooq Rehmatullah Khan
Liaquat Ali	Liaquat Ali	Liaquat Ali	Liaquat Ali	Liaquat Ali	Aqeel Ahmed Khan
Mumtaz Hasan Khan	Mumtaz Hasan Khan	Mumtaz Hasan Khan	Mumtaz Hasan Khan	Mumtaz Hasan Khan	James Carter Alan Duncan
Najmus Saquib Hameed	Najmus Saquib Hameed	Najmus Saquib Hameed	Najmus Saquib Hameed	Najmus Saquib Hameed	Najmus Saquib Hameed
Saleem Butt	Saleem Butt	Saleem Butt	Saleem Butt	Saleem Butt	Nauman Kramat Dar
Sohail Hasan	Sohail Hasan	Sohail Hasan	Paul Anthony Himsworth	Farid Arshad Masood	Farid Arshad Masood

5. The learned Assistant Attorney General confirmed that:

**Directors that were never implicated in the case**

Dr. Akhtar Hassan Khan (2015)

Mr. Sohail Hasan (2015 to 2017)

Mr. Paul Anthony Himsworth (2018)

Mr. Nauman Kramat Dar (2020)

**Directors that were discharged via the Final Challan on the basis of protection provided in section 181, Companies Act, 2017.**

Mr. Najmus Saquib Hameed (2015-2020)

Mr. Farooq Rehmatullah Khan (2015-2020)

Mr. Liaquat Ali (2015-2019)

**Directors who were implicated but let off via the Supplementary Challan based on the protection provided in section 181, Companies Act, 2017, accepted via Order dated 25.09.2023**

Mr. James Carter Alan Duncan (2020)

Mr. Abdul Aziz Khalid (2016-2020)

Mr. Farid Arshad Masood (2019-2020)

Mr. Aqeel Ahmed Khan (2020)

**Directors whom the trial court has acquitted**

Mr. Saleem Butt (2015 to 2019)

**Chief Financial Officers of Hascol who stand acquitted by the trial court**

Mr. Muhammad Ali Ansari, Chief Financial Officer

Mr. Muhammad Ali Haroon, Chief Financial Officer

**Mr. Mumtaz Hassan Khan is the only director of Hascol whose application under section 249-A has been dismissed and who is facing trial.**

6. We asked the learned Assistant Attorney General as to the specific allegation against Mr. Mumtaz Khan. He replied that Mr. Khan had failed to provide leadership at Hascol, that he was also liable for criminal breach of trust, and that he was also liable for selling his shareholding in Hascol to Vitrol. We then asked him whether the allegations (apart

from the share sale) were against Mr. Khan per se or against the entire Board of Directors, who were members during the period to which this case pertains. He replied that the allegations concerned the Board as a whole, since it approved all the dubious transactions. We asked him whether there was any criminal law that addressed a situation in which a person failed to provide effective leadership. He answered that there was none. We asked him whether Mr. Khan was a non-executive director of Hascol's Board when the dubious transactions were said to have been committed, and he replied that he was. He acknowledged that Mr. Khan was not at the helm of the Board at the relevant time. We also asked him if there was any law that prevented a person from selling his shareholding, and he replied that there were regulatory conditions to be satisfied. He acknowledged that those were satisfied when the shares were sold. We asked him whether Mr. Saleem Butt and Mr. Liaquat Ali were sailing in the same boat as Mr. Khan regarding the share sale, and he replied that they were. The learned Assistant Attorney General did not dispute that Mr. Khan was also an Executive Director and could not justify why, then, Mr. Khan, who was also a non-executive director, was treated differently. We appreciate the learned Assistant Attorney General's response that Mr. Khan's case was on a similar footing as the other non-executive directors. The learned Assistant Attorney General also conceded that the person against whom substantial involvement in the financial scam was alleged, i.e., Mr. Saleem Butt, had been acquitted by the trial court, as indeed had all other Directors.

7. We are surprised that, given the above, Mr. Khan was not given a similar treatment, especially in light of the State's categorical representation that the allegation was against the entire Board and that Mr. Khan's case was not distinguishable from those of the other gentlemen.

8. Given the above, we are of the view that there is no possibility of a conviction as the entire Board (except Mr. Khan) has either been declared innocent by the F.I.A. or has been acquitted under section 249-A Cr.P.C., on one ground or the other. The application is therefore allowed. The order dated 17.04.2025 is set aside, and Mr. Mumtaz Hasan Khan is acquitted of the charge.

JUDGE

JUDGE