ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI C.P.No.D-395 of 2018

Date Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar Mr. Justice Agha Faisal

Jawad.....Petitioner

VERSUS

Federation of Pakistan & others......Respondents

13.03.2019

M/s. Riaz Ahmed Bhatti & Allah Ditta Shaikh, Advocates a/w the Petitioner.

Ms. Shahida Jatoi, Advocate for Respondent No.2.

Mr. Jamshd Qazi, Advocate for Respondent No.3.

Mr. Ishrat Zahid Alvi, Assistant Attorney General.

Muhammad Ali Mazhar, J: The petitioner has approached this court for directions against the respondent No.3 (Manager, Bank Islami Pakistan Limited) to defreeze the account of the petitioner without any delay. This relief has been claimed on the premise that the respondent Nos.1 and 2 have committed illegality in sending directions to the bank for freezing the account of the petitioner. The learned counsel for the respondent No.2 (Anti-Narcotics Force) pointed out the comments filed on behalf of the respondent Nos.1 and 2. She has attached the copy of application moved under Section 37 of the CNS Act, 1997 by the Inspector Muhammad Naseer (Assets and Financial Investigations), RD ANF Sindh in which he has stated that an FIR No.16/2016 under Sections 6, 9(b), 14, 15 of the CNS Act, 1997 has been registered by ANF Police Station-II, Karachi. In pursuance thereof he passed an order on 21.04.2017 for freezing the account of Muhammad Jawad (petitioner) brother absconding accused. In the same application, he has also mentioned the description of account and prayed to the

No.1, Karachi Special Court CNS in Special Case No.117/2016 to pass order for continuation/confirmation of the aforesaid order dated 21.04.2017 and also forfeiture of the assets to the Federal Government of Pakistan under Section 19 of CNS Act, 1997. The learned counsel for the Anti-Narcotics Force (ANF) submits that proper application has been moved to the trial court where the notices have been issued to the present petitioner. At this juncture, the learned counsel for the petitioner denied to have received any such notice from the Special Court, however, he submits that the copy of this application may be supplied to him by the counsel for the ANF so that the petitioner may appear before the Special Court for the redressal of his grievances. He further requests that some directions may be issued to the learned trial court to decide the application as the petitioner needs some financial assistance for the marriage of his sister. The learned counsel for the ANF has no objection on this proposal. The petition is disposed of accordingly with the directions to the learned Special Court No.1, CNS Karachi to decide the application filed by the Inspector Muhammad Naseer in Special Case No.117/2016 within fifteen days' time after providing right of audience to the petitioner.

A copy of this order may be transmitted to the learned Special Court No.1, CNS Karachi.

Judge

Judge

Asif