

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P No. D- 3682 of 2022**

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Date Order with signature of Judge

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For order as to maintainability of instant petition.

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**15.08.2022.**

Mr. Noor Muhammad Dayo, Advocate for Petitioner.

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On the last date of hearing an objection was raised as to maintainability of this petition. The Petitioner through this petition has sought the following relief(s):-

- a) "To grant one time permission to the petitioner to visit abroad for a period of one month from the date of departure.
- b) To direct the Nazir of this Court to return the original Passport to the petitioner.
- c) To direct the Ministry of Interior to remove the name of Petitioner from Exit Control List (E.C.L) and not to hinder or cause any impediment in departure and arrival of the Petitioner in any manner whatsoever;
- d) Ad-interim orders may also be solicited;
- e) Grant any other relief which this Hon'ble Court may deem appropriate in the circumstances;"

It appears that the Petitioner is nominated in Reference No. 01 of 2019 pending before the Accountability Court No. III and was arrested. Thereafter, he approached this Court by way of C.P No.D-2092 of 2020 and a learned Division Bench of this Court vide Order dated 16.11.2020 was pleased to grant post-arrest bail to the Petitioner; however, a restriction was placed on his movement and travelling by placing his name of the Exit Control List with further directions to deposit the Passport with the Nazir of this Court. The relevant portion of the said order reads as under:-

“9. In the circumstances, we allow these petitions and grant bail to the Petitioners subject to their furnishing two solvent sureties in the sum of Rs. 1 million (Rupees One Million only) each and P. R. Bond in the like amount to the satisfaction of the Nazir of this Court. In addition, their names shall be placed on Exit Control List (ECL) till pendency of the reference against them and they shall also deposit their original Passports, if issued. Further, they are directed to co-operate in the proceedings of trial and the trial Court, if finds the petitioners causing any delay in the trial or attempting to temper with the prosecution evidence, shall file a reference before this Court for recalling the concession granted to them by means of this order.

10. Petitions stand disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.”

Learned Counsel for the Petitioner has not been able to persuade us as to how this Petition can be entertained, except arguing that a fundamental right of the Petitioner has been violated, whereas this Court can relax the restriction so imposed for a specific period as requested.

However, our understanding is otherwise inasmuch as through this Petition, the Petitioner seeks modification or review of the said order, which is not permissible by way of a separate petition. We have asked the learned Counsel to withdraw this petition and seek his remedy, if permissible, by way of some application in the Bail petition; however, he has not conceded to, and has instead sought an adjudication of this issue of maintainability on merits. We have also been informed that the Petitioner had never challenged the said order any further before the Hon’ble Supreme Court. In view such position, we are of the view that this Petition is misconceived and not maintainable; hence, is hereby dismissed in limine with pending applications.

**J U D G E**

**J U D G E**

Ayaz P.S.