

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 2855 of 2022 : Aftab Hussain vs.  
Federation of Pakistan & Others

For the Petitioner : Mr. Shumail Sikandar, Advocate

For the Respondents : Mr. Shahbaz Sahutra  
Special Prosecutor NAB

Mr. Yasir Ahmed Shah  
Assistant Attorney General

Date/s of hearing : 06.10.2022

Date of announcement : 06.10.2022

## ORDER

**Agha Faisal, J.** The petitioner, placed on the ECL in connection with the *fake accounts case* and stated to have been outside Pakistan since 2018, has sought for removal of his name from the ECL, primarily upon the premise<sup>1</sup> that the names of 172 persons had been removed therefrom recently and that retention of the petitioner therein thereafter is discriminatory<sup>2</sup>.

2. Learned Special Prosecutor NAB submitted that the petitioner has failed to join the investigation and had remained away from Pakistan since 2018 to avoid proceedings; hence, even the present petition was filed via an attorney. It was further added that the petition was in any event misconceived as the pertinent removal of names from the ECL was under scrutiny before the Supreme Court in *Suo Motu Case 02 of 2022*, wherein vide order dated 19.05.2022 the august Court had been pleased to direct that status quo be maintained.

3. The petitioner's counsel articulated no cavil to the factum that the Supreme Court is presently seized of the matter pertaining to the removal of the 172 names from the ECL, consistent treatment whereof was sought by the petitioner. It is also on record before us that status quo orders have been passed by the august Court and in the presence whereof no case for assumption of jurisdiction by this Court could be made out.

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<sup>1</sup> As pleaded *inter alia* vide paragraphs 8 till 11 of the memorandum of petition.

<sup>2</sup> Denoted vide prayer clause (a) of the memorandum of petition.

4. In view of the reasoning as aforesaid, we are constrained to observe that the petitioners' counsel has failed to set forth a case for exercise of writ jurisdiction. Therefore, this petition is found to be *prima facie* misconceived, hence, was dismissed vide our short order announced at the conclusion of the hearing in court earlier today. These are the reasons for the short order.

JUDGE

JUDGE