

ORDER SHEET
ELECTION APPELLATE TRIBUNAL SUKKUR.
(BEFORE MR. JUSTICE IRSHAD ALI SHAH)
Election Appeal No.S-30 of 2024
(Salar Ahmed Khan Lund Vs Federation of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For Orders on CMA No. 56/2024 (Ex./A)
2. For hearing of main case.

09-01-2024.

Mr. Khan Muhammad Sangi, advocate for the appellant.
Mr. Qurban Ali Malano, advocate for the private respondent.
Mr. Dareshani Ali Hyder "Ada" DAG, Pakistan.
Mr. Zeeshan Haider Qureshi Assistant Director (Law) ECP.

1. Deferred.
2. The appellant by way of instant election appeal has impugned the order of the Returning Officer whereby his nomination paper to contest election from NA-198 (Ghotki-I) has been rejected mainly for the reason that he is proclaimed offender of case outcome of FIR No. 203/2021 u/s 324, 353, 34 PPC of PS Shahdadpur and has failed to produce no dues certificate from Mukhtiarkar concerned, Deputy Commissioner In-Land Revenue and Sui Southern Gas Company.

It is contended by learned counsel for the appellant that the appellant was unaware of the pendency of any criminal case against him; he after obtaining the bail has joined the trial and requisite no dues certificates he has already produced. By contending so, he sought for acceptance of nomination paper of the appellant.

Learned DAG, learned Law Officer of ECP and learned counsel for the private respondent have sought for dismissal of instant election appeal by contending that the appellant has failed to make disclosure of his proclamation in his nomination paper and affidavit attached to it; therefore, subsequent joining

of trial by him after obtaining bail is not enough to make him qualified to contest the elections.

Heard arguments and perused the record.

Admittedly, the requisite no dues certificates the appellant has already produced and after obtaining the bail, he has joined the trial, in case wherein he has shown to be a proclaimed offender. By such act, the proclamation against him has come to an end. Mere pendency of criminal case could hardly make the appellant disqualified from contesting the election. As such the impugned order could not be sustained; consequently the nomination paper of the appellant shall be deemed to have been accepted.

The instant Election Appeal is disposed of accordingly.

Judge/Appellate Tribunal