

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.175 of 2022
(*Mir Laiq Ali and another v. The State*)

Date	Order with signature of Judge
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For hearing of main case

30.05.2024

Mr. M. Ahmed Pirzada, Advocate for the applicants
Ms. Rubina Qadir, DPG for the State

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It is, inter-alia alleged that the applicants with the rest of the culprits created an illegal charge for six acres of the land at NA Class No.155, Deh Mahiyo, Taluka Shah Mureed (Old Gadap-II) Malir Karachi, later on disposed of the same to the some certain persons thereby caused loss to the public exchequer to the tune of millions of rupees. Based on such allegations, an FIR was recorded by the anti-corruption establishment, Karachi, against the applicants and others. The applicants one after other by making applications sought for their premature acquittal under Sections 249-A Cr.PC; those were dismissed by the learned Special Judge Anticorruption (Provincial) Karachi vide order dated 19.02.2021 and order dated 14.02.2022, which are impugned by them before this Court by making the instant Crl. Misc. Application under Section 561-A Cr. PC.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by Anti-corruption Establishment; co-accused Sadiq Ali Panjwani and Aftab Ahmed Memon with similar role have already been acquitted by the learned trial Court, there is no probability or possibility of the

applicants being convicted of the offence with which they are charged, therefore, they are entitled to their premature acquittal.

Learned DPG for the State by supporting the impugned orders has sought dismissal of the instant CrI. Misc. Application by contending that the very case is at the verge of its final disposal and the case of the applicants is distinguishable from co-accused Sadiq Ali Panjwani and Aftab Ahmed Memon.

Heard arguments and perused the record.

Based on inquiry and with the permission of the competent authority, the FIR of the incident has been recorded and on due investigation the applicants and others have been charge-sheeted; the case against them is proceeding involving huge loss to the public exchequer and it is said to be at the verge of its final disposal. In such a situation, recording the premature acquittal of the applicants by denying a chance to the prosecution to prove its case against them would be against the mandate contained by Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, which prescribes the right of a fair trial to everyone, particularly when it is alleged that the case of the applicants is distinguishable to that of the acquitted accused.

Under the circumstances discussed above, the instant CrI. Misc. Application fails and it is dismissed accordingly.

J U D G E