

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Syed Fiaz ul Hassan Shah

Criminal Accountability Appeal No.10 of 2013

Ghulam Shabbir Mahar S/o Shamsuddin Mahar

Versus

The STATE

APPELLANT : Ghulam Shabbir Mahar (present)
Through Mr. Muhammad Farooq,
Advocate.

RESPONDENT / : National Accountability Bureau
THE STATE Through Syed Khurram Kamal,
Special Prosecutor.

: Federation of Pakistan
Through Ms. Shazia Hanjrah,
Deputy Attorney General.

Date of Hearing : 21.01.2026

Date of Decision : 21.01.2026

J U D G M E N T

Syed Fiaz ul Hassan Shah, J : -- Through this Criminal Accountability Appeal, the Appellant has challenged the Judgment of conviction dated 16.09.2013 (“**impugned Judgment**”) passed by the learned Judge, Accountability Court No.I Sindh, Karachi (“**Trial Court**”) in NAB Reference No.18 of 2011 filed by the National Accountability Bureau Sindh, Karachi (“**NAB**”) wherein the accused / appellant was convicted under section 9(a)(iii) and (ix) of

NAO and sentenced him to suffer Rigorous Imprisonment (“**R.I**”) for ten (10) years and to pay fine of Rs.4.000 Million and in case of default thereof, he shall further undergo R.1 for two (02) years more. However, the accused / appellant shall stand disqualified for a period of ten (10) years to be reckoned from the date he is released after serving the sentence, for seeking or from being elected, chosen, appointed or nominated as a member or representative of any public body or any statutory or local authority or in service of Pakistan or of any province and shall not be allowed to apply for or be granted or allowed any financial facilities in the form of any loan or advances from any bank or Financial Institution in the public sector, for a period of ten (10) years from the date of conviction as required under section 15(b) of NAO. However, the appellant shall be extended benefit of section 382-B, Cr.P.C.

2. The facts of the case as per NAB prosecution are that one Abdul Sattar Sangi, Manager Operation, National Bank of Pakistan, Ghotki Branch, made a complaint against the accused / appellant for his involvement in misappropriation / embezzlement of funds in Currency Chest to the tune of Rs.5.500 Million kept in the Strong Room and maintained in the chest register for daily banking transactions, as the appellant is the Chief Cashier of the said Branch. It was the case of the prosecution that on 29.12.2003 an amount of Rs.5 lac was found shortfall in the currency chest while closing balance and on 30.12.2023 an amount of Rs.10 lac was also shortfall while on 15.01.2004 an amount of Rs.5 lac was withdrawn in excess

by the appellant. It is alleged that on 10.02.2004 an amount of Rs.5 lac was also shortfall while on 17.07.2004, 10.10.2004 and 22.08.2004 an amount of Rs.10 lac each totalling to Rs.30 lac was less misappropriated / embezzled and less deposited into the currency chest. It is further alleged that after deduction of the said embezzlement / misappropriation the appellant admitted his guilt and made with his own handwriting such statement dated 27.06.2006 duly signed by him and handed over post-dated cheque No.516876 dated 27.01.2007 for Rs.5.5 Million in favour of NBP, Ghotki Branch from his Account No.1424-0 maintained at the same branch. On presentation the said cheque was dishonoured, however, the appellant through M.Ts. to the branch deposited an amount of Rs.15 lac while embezzled Rs.4 million was still outstanding against the appellant.

3. After usual investigation copies were supplied to the appellant under section 265-C, Cr.P.C. vide receipt at Exh.1 and the charge was framed on 10.09.2011 at Exh.2 and the accused pleaded not guilty and claimed to be tried at Exh.3. The prosecution in order to prove the allegation against appellant has examined PW-1 to PW-9, who produced the record and documents from Exh.4/1 to Exh.14/4. Thereafter, the prosecution has closed its side at Exh.15 and the statement of accused was recorded under section 342, Cr.P.C. at Exh.16, who produced written statement at Exh.16/1. However, the accused / appellant has neither examined himself on oath, nor produced any witness in his defence, hence the impugned judgment.

4. Learned counsel appearing on behalf of the appellant has contended that the responsibility of cash deposit in the Strong Room and in the chest register was joint responsibility of the appellant and Manager Gobind Ram and Branch Compliance Officer Ayaz Dayo at the relevant point of time and the currency chest deposited in the Strong Room while closing daily balance after filing cash balance book 52 by Head Cashier and Joint Custodian and in the absence of signature and closing balance of the daily transactions within the banking practice nobody is allowed to leave the bank premises, therefore, the prosecution has unilaterally adopted pick and choose policy not to prosecute other co-signatory such as Operational Manager, joint custodian and branch compliance officer while fixing complete liability upon the appellant, who is innocent and has been falsely implicated in this case.

5. Learned Special Prosecutor appearing on behalf of the NAB has supported the impugned judgment by submitting that the appellant has caused losses to the national exchequer, as he has already admitted his guilt and made with his own handwriting such statement dated 27.06.2006 duly signed by him and handed over post-dated cheque No.516876 dated 27.01.2007 for Rs.5.5 Million in favour of NBP.

6. Learned Deputy Attorney General appearing on behalf of the Federation of Pakistan has candidly stated that the impugned

judgment is sustainable in law, as the appellant has already admitted his guilt through his own handwriting statement dated 27.01.2007.

7. We have heard the learned counsel for the appellant, learned Special Prosecutor for NAB as well as learned Deputy Attorney General and with their assistance minutely perused the record of the case.

8. It is an admitted position that during the period from 19.12.2003 to 22.08.2004, an amount of Rs.5.5 million was not deposited by the appellant in the **Chest Currency Account** maintained in the **Strong Room of the National Bank of Pakistan, Ghotki** (crime scene). As a result, the appellant caused losses to the tune of Rs.5.5 million to the National Bank of Pakistan. PW-1 Abdul Sattar deposed in his evidence that the State Bank of Pakistan, being the statutory regulator, informed about the deficit of Rs.5.5 million, as it regularly monitored and supervised banking transactions. PW-1 further fixed responsibility upon the appellant, stating that during the internal inquiry the appellant not only confessed his guilt but also recorded a written confession before the inquiry team and the Regional Manager. In addition, the appellant handed over a post-dated cheque equivalent to the embezzled amount of Rs.5.5 million.

9. Although the appellant pleaded that the confession was obtained under coercion and undue influence, he failed to discharge the burden under Article 117 of the Qanun-e-Shahadat Order, 1984.

No plausible explanation or justification was provided for issuing the cheque of Rs.5.5 million in favour of his Master, which matched the embezzled amount too. Moreover, the appellant took no steps to seek cancellation of the said instrument after handing it over to the National Bank of Pakistan, Ghotki at any subsequent stage of trial or present appeal.

10. The documentary evidence further substantiates the charge. Exh.4/7 is a letter of the National Bank of Pakistan, Ghotki regarding the deficit of Rs.5.5 million. Exh.4/10 is the receipt of payment dated 25.08.2003. Exh.4/12 is the vault register dated 25.07.2003. Exh.4/14 is the revised currency chest slip dated 25.07.2003. Exh.4/15 to Exh.4/30 are the currency chest slips. Exh.4/31 to Exh.4/36 are the currency chest book (B-55), currency chest slip, and revised currency chest slip dated 30.12.2003. Exh.4/37 to Exh.4/42 are the receipt payment voucher, branch debt voucher, vault register (B-50), currency chest book (B-55), currency chest slip, and revised currency chest slip dated 15.01.2004. These exhibits collectively demonstrate that an amount of Rs.5.5 million was embezzled, which was lying in the Strong Room of the National Bank of Pakistan, Ghotki.

11. The evidence of PW-2 Gobind Ram, who was the Manager of National Bank of Pakistan, Ghotki at the relevant point of time, also confirmed that the appellant has made confession before the Regional Manager and other officials about the embezzlement and

issued a cheque to the equivalent amount drawn from the Account No.1424-02, NBP, Ghotki Branch and such account was maintained by the appellant himself and on presentation such cheque stood dishonoured for which a separate FIR was also registered.

12. PW-3 Ehsan Ahmed, who was OG-I, NBP, Ghotki deposed that custodian of Register B-50 was the appellant under joint responsibility of the custodian and joint custodian and in the present case, joint custodian informed about the embezzlement and discrepancy and there was clear disparity between the chest register and withdrawal register. Such fact has also been confirmed by other PWs, such as PW-5 and PW-6.

13. The evidence of **PW-6 Ayaz Ahmed**, who was serving as OG-II at the National Bank of Pakistan, Ghotki, is highly relevant to the commission of the offence and the manner in which the appellant engaged in corruption and corrupt practices. This witness was subjected to lengthy cross-examination; however, nothing emerged from it that could weaken or cast doubt upon the prosecution's case.

14. When confronted with the said evidence and the material placed on record, learned counsel for the appellant did not press the instant appeal. Instead, he requested that the sentence be modified to the period already undergone by the appellant and that the fine amount be reduced, arguing that the maintenance of bank records and signatures was a joint responsibility shared by other officers as well.

15. In view of above facts and circumstances of the case, we are of the considered view that the impugned judgment passed by the learned Trial Court stands maintained, however, with modification that the imprisonment of appellant is reduced for the period which he has already undergone and the fine amount is reduced from Rs.4 Million to Rs.2 Million as signatures on vault Register and Chester Register was not the solitary responsibility of the Appellant. In case of default in payment of above fine amount, the Appellant would have to further undergo R.I. for two (02) years. Therefore, the appellant is directed to deposit reduced fine **Rupees Two Million** on or before **28.02.2026** with the Nazir of this Court, who shall immediately transfer the said amount in the head of Government treasury with the State Bank / NBP. In case of default in payment of fine amount within stipulated time period, the office shall issue Non-Bailable Warrant through the Investigating Officer against the present appellant for serving sentence.

16. Consequently, instant Criminal Accountability Appeal stands dismissed with above modifications.

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