

IN THE HIGH COURT OF SINDH AT KARACHI

Spl. Criminal Revision Application No. 149 of 2026

a/w

Criminal Revision Application No. 148 of 2026

Applicant : Usman Bajwa
[in both Spl. Cr. Rev. Appln & son of Javed A. Bajwa
Cr. Rev. Appln] Through Mr. Sarfaraz Ali Metlo
advocate

The State : Through Mr. R. D. Kalhoro,
Assistant Attorney General Pakistan
a/w Investigation Officer Abdul
Jabbar Medhro.

Date of hearing : 15.09.2026.

Date of Order : 06.10.2026.

ORDER

Jan Ali Junejo, J:- By this common order, I intend to decide the above captioned Spl. Cr. Rev. Appln. & Cr. Rev. Appln, as they arise out of same FIR.

2. Through these Special Criminal Revision Application as well as Cr. Revision Application under Section 185-F of the Customs Act, 1969 R/w Section 435, 439 & 561-A Cr.P.C, the applicant Usman Bajwa son of Javed A. Bajwa seeks the setting aside of the order dated 15.04.2026 & 21.05.2026 (hereinafter referred to as the "Impugned Orders") passed by the learned Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi [in Case No.153/2023] and learned Special Judge (Central-I), Karachi [in Case No.17/2023], respectively, whereby the learned Judges dismissed the respective applications under Section 265-K Cr.P.C. filed by the applicant in FIR No.19/2023, under Section 5(2) of the PCA 1947 R/w Section 156(8)(89) of the Customs Act, 1969 and Section 109 PPC registered at PS FIA, ACC, Karachi.

3. The brief facts of the case, as alleged in the FIR, are that an enquiry bearing No.49/2023 was initiated at FIA ACC Karachi on the basis of a source report submitted by Sub-Inspector Ghulam Murtaza Kaka, wherein credible information was received regarding the involvement of certain Customs officials in organized corruption and facilitation of smuggling activities. After obtaining formal approval from the Deputy Director, FIA ACC Karachi, a raiding team comprising Inspector Muhammad Alam Dahri, Inspector Mashal, Sub-Inspector Muhammad Tahir, Head

Constable Muhammad Ali, FCD Ali Muhammad and other staff, under the supervision of the complainant, was constituted upon receipt of source information that accused Customs officials, namely Tariq Mehmood and Yawar Abbas, were proceeding to Islamabad via Jinnah International Airport, Karachi. Accordingly, the raiding team proceeded to the said airport vide DSD No.22 dated 13.07.2023 and entered the domestic departure lounge, where both accused were found at Counters Nos.25 and 26 of Airblue while obtaining boarding passes for Flight No.PA-208, scheduled to depart for Islamabad at 21:30 hours on 13.07.2023. The raiding party intercepted the accused persons at the airport and, after introducing themselves, asked them to disclose their identities, whereupon both accused identified themselves as Tariq Mehmood, Superintendent (ASO), and Yawar Abbas, Inspector (ASO), posted at the Anti-Smuggling Organization, Customs Karachi. Upon their search, their official identity and service cards were recovered, and they disclosed that they were travelling to Islamabad for personal purposes. They further informed that they had arrived at the airport in an official vehicle bearing registration No.GPA-297 (Toyota Vigo), which was parked in the airport parking area. It is further alleged that the raiding party proceeded to the parking area and located the said vehicle in the "U" parking lot. A search of the vehicle was conducted in the presence of mashirs, which resulted in the recovery of a substantial amount of cash and foreign currency, namely Pakistani Rupees 5,437,200/-, US Dollars 2,406/- and UAE Dirhams 6,100/-. Upon recovery of the aforesaid amount, both accused allegedly failed to provide any plausible explanation and voluntarily disclosed that the recovered amount constituted "speed money" collected from Customs Check Post Mochko, District Keamari, Karachi, for onward distribution among various Customs officials, including the Collector, Additional Collector, Deputy Collector, Superintendent, SPS, SPOs and POs. They further disclosed that the monthly collection from various check posts, including Mochko, Machar Goth, Sohrab Goth and Ghaggar Phatak, ranged between Rs.40 million and Rs.50 million, whereas an additional amount of approximately Rs.60 million per month was allegedly collected in connection with the facilitation of smuggling of betel nuts (chhalia). The recovered cash and foreign currencies were seized through a proper seizure memo dated 13.07.2023, prepared on the spot in the presence of mashirs, and both accused were brought to Police Station FIA ACC Karachi along with the recovered incriminating material for further

investigation regarding their alleged nexus with smugglers and their role in facilitating smuggling activities in an organized manner. It is further alleged that, during further interrogation at Police Station FIA ACC Karachi, both accused persons again admitted their involvement in facilitating the transportation of smuggled goods from the border areas of Balochistan to Karachi through land routes in an organized manner and reiterated that the recovered cash and foreign currencies represented illegal gratification collected at Mochko Check Post. They also disclosed the names of several senior Customs officers who were allegedly beneficiaries of such illegal payments and were providing protection to smuggling operations. The accused disclosed that one Usman Bajwa, Ex-Director ASO, had received approximately Rs.160 million during the period from March 2023 to April 2023 in the form of cash and gold as illegal gratification. They further alleged that Saqif Saeed, during his tenure as Director ASO, had established an organized network for smuggling by posting trusted officials at key positions to collect bribes from smugglers, and that thereafter Usman Bajwa continued the said practice by facilitating smuggling in exchange for approximately Rs.100 million per month. It was further disclosed by the accused persons that, in February 2023, Amir Thaeem assumed charge as Director ASO and allegedly continued to provide protection to smugglers dealing in various goods, including betel nuts. Accused Tariq Mehmood further disclosed that one Imran Noorani was operating a smuggling network involving betel nuts from the border areas of Balochistan to Karachi and was also running a chhalia processing factory under the name and style of M/s Sunny Products, situated in Shershah Industrial Area, Karachi, for the distribution of smuggled goods to various buyers. It is further alleged that, on the basis of the aforesaid facts, the statements of the accused persons, and the documentary and digital evidence collected during the enquiry, a prima facie case of corruption and facilitation of smuggling was established against the accused persons under Section 5(2) of the Prevention of Corruption Act, 1947, read with Sections 156(8) and 156(89) of the Customs Act, 1969, and Section 109 PPC. After obtaining approval from the competent authority, a formal case was registered against accused Tariq Mehmood, Yawar Abbas, Saqif Saeed, Usman Bajwa, Amir Thaeem, Imran Noorani and others. Accused Tariq Mehmood and Yawar Abbas were accordingly arrested.

4. Learned counsel for the Applicant in both Spl. Cr. Rev. Appln. & Cr. Rev. Appln, assailing the impugned orders, contended that the Applicant has been falsely implicated in the present case and is a respectable civil servant of BS-20 in Pakistan Customs Service, having over 20 years of unblemished service and presently posted as Chief FBR, Islamabad, with certificates of appreciation from the World Customs Organization. He submitted that the Applicant was arrayed as an accused without obtaining the mandatory approval of the Secretary, Interior Division, in violation of Rule 5 of the FIA (Inquiries and Investigation) Rules, 2002, rendering the proceedings against him without lawful authority. Learned counsel further contended that the FIR and charge-sheets do not disclose the commission of any offence under the relevant provisions of the Customs Act, 1969, particularly in the absence of any recovery of smuggled goods from the Applicant. He argued that the entire case against the Applicant is founded upon the alleged statement of co-accused Tariq Mehmood recorded while in FIA custody, which, according to him, was obtained under coercive circumstances and is inadmissible against the Applicant under Article 38 of the Qanun-e-Shahadat Order, 1984; moreover, no recovery, documentary, forensic, testimonial or other independent incriminating material has been brought on record connecting the Applicant with the alleged offence. Learned counsel submitted that the prosecution had also failed to satisfactorily explain the circumstances surrounding the interception of co-accused Tariq Mehmood and Yawar Abbas at Jinnah International Airport, Karachi, the recovery of cash from their vehicle and their alleged disclosures regarding "speed money", as the same remained uncorroborated by reliable documentary or digital evidence. He further contended that the FIR contained material inconsistencies and procedural irregularities and that sweeping allegations against several senior Customs officers were based merely upon unverified statements of the co-accused, without any independent corroboration. With regard to the allegation concerning receipt of gold bars, learned counsel submitted that there was no evidence whatsoever to establish that the alleged gold bars were ever handed over to, received by, or possessed by the Applicant, nor had any independent witness supported such allegation; likewise, the alleged receipts from Jewel Palace were neither corroborated through CCTV footage/DVR nor otherwise connected with the Applicant. He maintained that, even if the statement of co-accused Tariq Mehmood were taken at its highest, it would still be

wholly insufficient to establish any criminal liability against the Applicant. Learned counsel further contended that the Applicant had been subjected to parallel proceedings before the learned Special Judge, Anti-Corruption (Central-I), Karachi and the learned Special Judge, Customs, Karachi, arising from the same set of facts and evidence, which, according to him, amounted to an abuse of the process of law and was contrary to Section 26 of the General Clauses Act. He also questioned the jurisdiction of the FIA in respect of smuggled goods falling within the domain of Pakistan Customs under the Customs Act, 1969. Relying upon 2007 YLR 3082 (Lahore) and 1980 PCr.LJ 754 (Karachi) (Ghulam Habib v. The State), learned counsel submitted that a statement of a co-accused, in the absence of independent corroborative evidence, carries insufficient evidentiary value to sustain criminal proceedings against another accused and that, where no other connecting material exists, continuation of the trial serves no useful purpose. He further submitted that the prosecution had not produced any substantive evidence or witness connecting the Applicant with the alleged offence and that there was no reasonable probability of his conviction; hence, continuation of the proceedings would cause unnecessary hardship and amount to an abuse of the process of law. Learned counsel also pointed out that proceedings against co-accused Muhammad Amir Thaheem had been stayed by this Court in Special Criminal Revision No.118/2026 vide order dated 25.05.2026. He further submits that co-accused Ejaz Ahmed son of Rehmatullah Butt has been acquitted by the learned Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi vide order dated 15.04.2026 under Section 265-K Cr.PC. He, therefore, submitted that the impugned orders were based on misreading and non-appreciation of the available material, were legally unsustainable, and prayed that the same be set aside and the Applicant be acquitted under Section 265-K Cr.P.C.

5. On the contrary, learned Assistant Attorney General, while opposing the instant Criminal Revision Applications, supported the impugned orders and submitted that sufficient incriminating material is available on record connecting the Applicant with the alleged offences, whereas the objections raised regarding the admissibility and evidentiary value of the statement of co-accused, alleged procedural irregularities, jurisdiction of FIA and absence of recovery from the Applicant involve questions of fact and evidence which cannot be conclusively determined

at this stage. He contended that the plea under Section 265-K Cr.P.C. is therefore not sustainable, as the prosecution evidence requires proper appreciation at trial. He further submitted that the impugned orders suffer from no illegality, misreading or non-appreciation of the available record warranting interference in revisional jurisdiction and, accordingly, prayed for dismissal of the applications.

6. I have heard the learned counsel for the Applicant and the learned Assistant Attorney General and have perused the FIR, charge-sheets, impugned orders and material available on record.

7. Section 265-K Cr.P.C. empowers the Court to acquit an accused where there is no probability of conviction on the basis of the available material. The Court is to assess whether the prosecution material establishes a reasonable nexus between the accused and the alleged offence. A confession or disclosure statement of a co-accused, being inadmissible against another accused under Article 38 of the Qanun-e-Shahadat Order, 1984, cannot, by itself, be relied upon to sustain the prosecution case in the absence of independent corroborative evidence connecting the Applicant with the offence. Where no other incriminating material exists against the Applicant, continuation of the trial may serve no useful purpose.

8. In the present case, the Applicant Usman Bajwa was neither nominated in the initial occurrence at the airport nor arrested therefrom, and no cash, foreign currency, gold, smuggled goods or other incriminating article was recovered from him. The allegations against him substantially emanate from the alleged disclosures of co-accused Tariq Mehmood and Yawar Abbas, from whose vehicle the alleged cash and foreign currency were recovered. No independent witness or other direct evidence has been produced connecting the Applicant with receipt of illegal gratification or participation in the alleged smuggling network.

9. The allegation that the Applicant received approximately Rs.160 million in cash and gold during March-April 2023 and thereafter facilitated smuggling for approximately Rs.100 million per month is general in nature. The prosecution has not identified any specific date, place, transaction, person or occasion concerning such alleged payments, nor has any such amount, gold or other incriminating property been recovered from him. The allegation, therefore, remains substantially dependent upon the statement of a co-accused.

10. The alleged receipts from Jewel Palace and handing-over of gold bars have likewise not been independently connected with the Applicant

through any reliable documentary, CCTV, DVR, forensic or other evidence. Mere reference to such material, without establishing its nexus with the Applicant, cannot justify continuation of criminal proceedings against him.

11. The alleged disclosures of the co-accused, being the principal basis of the allegations against the Applicant, require independent corroboration. No subsequent recovery, discovery or other legally admissible material has been pointed out which directly connects the Applicant with the alleged offences. The alleged recovery from the vehicle of the co-accused may be relevant against them, but no material establishes that the recovered amount belonged to, was delivered by, or was intended for the Applicant.

12. The defence has also questioned the requisite approval under the FIA (Inquiries and Investigation) Rules, 2002 and the jurisdiction of FIA. However, even without entering into these ancillary questions, the prosecution material itself fails to disclose sufficient independent evidence connecting the Applicant with the alleged offences.

13. Likewise, the allegation under Section 109 PPC requires material showing intentional aid, abetment or facilitation of the principal offence. No specific act attributable to the Applicant, supported by independent evidence, has been identified. His tenure as Director ASO or official position, by itself, cannot establish criminal liability.

14. I have also considered the orders relating to co-accused Ejaz Ahmed and Muhammad Amir Thaheem. It further appears that co-accused Tasleem Akhtar, Muhammad Danish, Shahbaz Ahmed, Amjad Husain Rajper, Tariq Hussain and Ubedullah were acquitted by the learned trial Court under Section 265-K Cr.P.C. Although the case of each accused is to be assessed independently on the basis of the material available against him, the aforesaid circumstances are relevant, particularly when the allegations against the senior Customs officials substantially stem from the same disclosures. In the case of the Applicant, no independent material has been pointed out that establishes a direct evidentiary link between him and the alleged offences.

15. The contention of the learned Assistant Attorney General that the objections require appreciation of evidence at trial has been considered. However, where the material presently available, even if taken at its face value, does not disclose a reasonable probability of conviction, continuation of the trial would serve no useful purpose and would amount to an abuse of the process of law.

16. In view of the foregoing, the prosecution has failed to place on record sufficient independent and reliable material establishing the Applicant's nexus with the alleged receipt of illegal gratification, smuggling or abetment thereof. The case against him rests substantially upon co-accused disclosures, without recovery, specific transaction or independent corroboration. Consequently, there is no reasonable probability of his conviction on the material presently available.

17. The learned Courts below, while declining relief under Section 265-K Cr.P.C., failed to properly appreciate these material aspects, particularly the absence of recovery and independent corroboration connecting the Applicant with the alleged offences. The impugned orders, therefore, call for interference in revisional jurisdiction.

18. For the foregoing reasons, both Special Criminal Revision Application No. 149/2026 as well as Criminal Revision Application No.148/2026 are allowed. The impugned orders dated 15.04.2026 passed by the learned Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi in Case No.153/2023 and 21.05.2026 passed by the learned Special Judge (Central-I), Karachi in Case No.17/2023 are set aside. Consequently, the Applicant Usman Bajwa son of Javed A. Bajwa is acquitted in FIR No.19/2023, registered at Police Station FIA, ACC, Karachi, under Section 5(2) of the Prevention of Corruption Act, 1947 read with Sections 156(8) and 156(89) of the Customs Act, 1969 and Section 109 PPC.

JUDGE