

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Accountability Appeal No. 26 of 2009

<u>Date</u>	<u>Order with signature of</u>
<u>Judge</u>	

1. For orders on office objection and reply of Advocate at flag 'A'.
2. For orders on M.A.No.5215/2009.
3. For orders on M.A.No.5216/2009.
4. For orders on M.A.No.5217/2009.
5. For Katcha Peshi.
6. For orders on M.A.No.5218/2009.

24 /12/2009.

Mr. Malik Naeem Iqbal, Advocate for the appellant.

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1. As regards office objection Nos.1&2, it is stated by learned counsel for the appellant that the very judgment by which the appellant was convicted under Section 31-A of the NAB Ordinance was challenged by co-accused Mubarik Salman, Intikhab Ali Syed

and Syed Asghar Abbas by way of Cr. Acq. Appeal Nos. 4, 5 & 6 of 2005, Cr. Acq. Appeal Nos.60, 61 & 62 of 2001 and Cr. Acq.Appeal Nos.5, 6 & 7 of 2002, which appeals were allowed vide judgment dated 07.2.2006 of this Court being void, without jurisdiction, against the principles of natural justice and in violation of Article 9 of the Constitution. He further states that appellant has surrendered himself before the Accountability Court and is facing trial but in the meanwhile the appellant had filed Constitutional Petition No.D-2414 of 2008 in this Court for granting him pre-arrest bail in which by an order dated 06.2.2009 interim pre-arrest bail granted to the appellant, was confirmed. Learned counsel states that in view of the judgment of Hon'ble Supreme Court dated 16.12.2009 the conviction and sentence of the appellant in absentia has revived and therefore the appeal may be treated as within time counting the period from the order of the Hon'ble Supreme Court and also maintainable. As regards office objection No.3, he states that certified copy of impugned judgment will be filed within a period of one week. The explanation as regards office objection Nos.1&2 in the circumstances will have to be dealt with and elaborately considered at the time of hearing of the appeal.

2. Granted.

4. Granted subject to filing of certified copy of impugned judgment.

3,5&6. This appeal has been filed against the judgment dated 07.12.2001 passed by learned Judge, Accountability Court-IV, Karachi in Reference No. 34/2000 by which the appellant has been convicted and sentenced under section 31A of the NAB Ordinance 1991 to undergo R.I. of three years. As the appeal appears to be time barred by

almost eight years, consequently, let in the first instance notice be issued to the respondents as well as Dy.Prosecutor General NAB for 05.01.2010.

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