

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.1011 of 2026

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on MA No.16635/2026.
2. For Orders on MA No.16636/2026.
3. For Hearing of Case.
4. For Orders on MA No.16637/2026.

30th September, 2026.

Mr. Mohsin Qadir Shahwani, Additional Attorney General for Pakistan for the applicant.

1. Urgent application is granted.
2. Exemption application is granted subject to all just exceptions.
- 3-4. Through the instant application, the learned Additional Attorney General for Pakistan has called in question the order dated 28.09.2026 passed by the learned Additional Sessions Judge-VII, Karachi East whereby the application moved by the prosecution seeking adjournment of the bail proceedings in FIR No.CCC-KHI-15/2026, registered at PS Corporate Crime Circle, Karachi under Sections 406, 409, 420, 477-A read with 109 and 34 PPC and Section 5(2) of the Prevention of Corruption Act, 1947 was dismissed and the matter was fixed for further proceedings/hearing on the bail application.

Learned Additional Attorney General for Pakistan submits that the impugned order has been passed without appreciating the nature of the offences alleged in the FIR and the special law governing the same. It is contended that the FIR relates to scheduled offences committed in respect of/in connection with the business of a bank and involves an alleged misappropriation of approximately Rs.44 billion. According to the learned Additional Attorney General for Pakistan, once the offences alleged in the FIR fall within the First Schedule to the Offences in Respect of Banks (Special Courts) Ordinance, 1984, the jurisdiction to try such offences vests exclusively in the Special Court constituted under the said

Ordinance. It is, therefore, argued that the learned Additional District & Sessions Judge has no jurisdiction to entertain or proceed with the bail application.

Learned Additional Attorney General for Pakistan further submits that the objection regarding jurisdiction goes to the very root of the matter and, therefore, the learned Court below ought not to have proceeded with the bail application after the statutory scheme governing scheduled offences was brought to its notice. It is contended that the dismissal of the adjournment application would result in continuation of proceedings before a Court which, *prima facie*, lacks jurisdiction to entertain the bail application.

Mr. Ahmed Masood advocate appears for Respondent No.1 and files his Vakalatnama, which is taken on record. He also places on record a copy of Cr. Rev. Application No. Nil of 2026, *The State through I/O v. Jalees Edhi & others*, along with the order passed therein. He raises objections on the contentions of learned Additional Attorney General for Pakistan.

I have heard the learned Additional Attorney General for Pakistan as well as learned counsel for Respondent No.1 and have perused the impugned order as well as the material available on record. At this stage, the question requiring consideration is not the merits of the allegations or the entitlement of any accused to bail, but the competence of the learned Court below to entertain and proceed with the bail application.

The Offences in Respect of Banks (Special Courts) Ordinance, 1984 has been enacted to provide for the speedy trial of certain offences committed in respect of banks and matters connected therewith or incidental thereto. Under Section 2(d), a "scheduled offence" means an offence specified in the First Schedule and alleged to have been committed in respect of, or in connection with, the business of a bank. Section 4(1) expressly provides that, notwithstanding anything contained in the Code, the scheduled offences shall be triable exclusively by a specify Court.

In the present case, the allegations contained in the FIR, *prima facie*, relate to offences stated to have been committed in connection with

the business of a bank and involve an alleged financial loss/misappropriation of approximately Rs.44 billion. The offences mentioned in the FIR are stated to be scheduled offences under the First Schedule to the Ordinance. Consequently, the applicability of the special statutory jurisdiction created under the Ordinance cannot be overlooked merely because the bail application has been presented before the ordinary Court of Sessions.

It is settled that where a special statute confers exclusive jurisdiction upon a designated Special Court, an ordinary criminal Court cannot assume jurisdiction merely because the matter has otherwise been presented before it.

I am, therefore, of the tentative view that the objection raised by the learned Additional Attorney General for Pakistan regarding the jurisdiction of the learned Additional District & Sessions Judge requires consideration before the bail proceedings are allowed to continue. The impugned order, whereby the adjournment sought by the prosecution was declined, cannot be examined in isolation from the question whether the learned Court below is competent to proceed with the bail application in the first place.

Let notice be issued to the respondent Nos. 2 to 13 for **09.10.2026**. Meanwhile, the proceedings before the learned Additional District & Sessions Judge-VII, Karachi East in subject bail applications shall remain suspended till the next date of hearing.

JUDGE

M.Zeeshan