

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr. Rev. A. No.D-76 of 2016.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>19.04.2017.</u>	

FOR KATCHA PESHI.

Mr. Bashir Ahmed Almani, Advocate for applicant.

Mr. Jango Khan, Senior Special Prosecutor NAB.

It appears that in this criminal revision application No. D-76 of 2016 proceedings have been stayed by this court vide order dated 7.11.2016 for the following reasons:

“After receiving the copy of memo of instant Criminal Revision Application, learned Prosecutor seeks a short adjournment.

At his request one week’s time is granted and he should come prepared on the point of maintainability of instant petition as the NAB has no jurisdiction to proceed the matter up to the limit of less than 100 million in view of apex Court in C.A. No.82-K of 2015 and C.P. D-1210 of 2016. In the meanwhile, proceedings before NAB Court are stayed.”

Special Prosecutor NAB submits that in the view of the Judgment passed by this court at Sukkur Bench in C.P. No.D-3783 of 2016, [Nawaz Ali Samejo & others v. NAB] the above quoted order may be recalled. Relevant portion of Judgment of above referred C.P. No.D-3783/2016 dated 8.3.2017 is reproduced as follows:-

“22. In the above circumstances, since no Supreme Court stay order has been produced before us preventing the accountability courts from proceeding with the NAB references filed before them, that the decision of the Supreme Court on the issue does not

now appear to be so imminent, that accused may be behind bars while their cases are stayed, the requirement of the preamble of the NAO and especially S.16(a) NAO to provide for expeditious trials under the NAO and the fact that many trials before the Accountability Courts have come to a grinding halt in the Accountability Courts which is not serving the interest of justice we hereby order that any interim restraining/stay order in connection with any of the proceedings related to the above mentioned petitions hereby stands lifted/withdrawn with immediate effect and these proceedings shall continue as per law and as such the restraining/stay orders in any such proceedings, including the hearing of final arguments and announcement of judgments are also hereby lifted in this respect and the Accountability Courts hearing the same are hereby directed to continue to immediately proceed with any such references pending before them which shall for the avoidance of any doubt include without limitation the hearing of final arguments and announcing Judgments.”

After hearing the learned advocate for applicant and Special Prosecutor NAB while relying upon above referred Judgment passed by this Court on the point of pecuniary jurisdiction of NAB and keeping in view the provisions of National Accountability Ordinance, 1999, which require expeditious disposal of references. In the above stated circumstances, interim order dated 7.11.2016 is hereby recalled. Resultantly there is no merit in above Revision Application the same is dismissed. Trial court shall proceed with reference and decide the same expeditiously.

JUDGE

JUDGE

A.