

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr.Rev.A.No.142 of 2015

Before:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Irshad Ali Shah

The State
Through Deputy Attorney General Applicant
Versus
P.O.Special Court (Offences in Banks) & others.....Respondents

Date of Hearing: 05.03.2020

Date of Decision: 05.03.2020

Mr. Muhammad Ahmed, Assistant Attorney General.

Mr. Amir Mansoob Qureshi, advocate for the accused.

Mr. Rafique Ahmed Kalwar, advocate for the Complainant.

ORDER

IRSHAD ALI SHAH, J:- The facts in brief necessary for disposal of instant Revision Application are that the accused involved in the instant case were running Transport Company in the name of Mengal Brothers Transport Private Limited and they indulged in agreement with Pakistan State Oil for transportation of JP-8/JET and POL products to Afghanistan, they as such were directed to furnish Bank guarantee which they furnished accordingly. It was found to be fake and fabricated on confirmation by Allied Bank Limited Bund Road Shadipura Lakhoder Lahore Branch. Consequently, instant case was registered against the accused. On conclusion of the investigation challan was submitted by the police, it was returned on 14.10.2015 by learned Sessions Judge Karachi South, by making a conclusion that it is covering scheduled offence relating to the Banking Courts,

therefore, same to be submitted before the Banking Court having jurisdiction. Consequently, the challan of the case was submitted before the Special Court (Offences in Banks) Sindh at Karachi. It was also returned by Presiding Officer of the said Banking Court by making a conclusion that it was a case of fraud and forgery, therefore, Provisions of Section 2(d) Offences in Respect of Banks (Special Courts) Ordinance, 1984 are not attracted to such incident vide his order dated 12.11.2015, which is impugned by the applicant/State before this Court by way of instant Revision Application.

2. At the very outset, learned counsel for the accused and complainant were fair enough to state that no Bank or its officials have been found to be involved in alleged forgery, it was the case, which was to have been tried by the Court of Ordinary jurisdiction.

3. It is contended by learned Assistant Attorney General for the applicant/State that the allegation of forgery in respect of business of Bank could only be determined after recording of evidence and not in summary manner. By contending so, he sought for setting aside of the impugned order with direction to learned Presiding Officer (Offences in Banks) Sindh at Karachi to take cognizance of the offence and then to proceed with the case in accordance with law.

4. We have considered the above arguments and perused the record.

5. Admittedly, on investigation the Bank guarantee furnished by the accused was found to be forged, which excluded the involvement of the Bank and its employee in such a forgery. In that situation, learned Presiding Officer, Special Court (Offence in Banks) Sindh at Karachi was right in its conclusion that it is a case of fraud and forgery, which is not covered by Section 2(d) Offences in Respect of Banks (Special Courts) Ordinance, 1984 to be tried by Special Court (Offence in Banks) Sindh at Karachi.

6. In pursuant to above discussion, it could be concluded safely that no illegality is committed by learned Presiding Officer Special Court (Offences in Banks) Sindh at Karachi, while passing the impugned order, which could be made right by this Court by way of instant Revision Application, it is dismissed accordingly.

JUDGE

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