

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Agha Faisal, J.

C.P. No.D-1371 of 2022

Muhammad Farooq Kasmani -----Petitioner

Versus

Govt. of Sindh & others ----- Respondents

Mr. Hanif Faisal Alam, advocate for petitioner.
Mr. Shaharyar Mahar, Addl.A.G a/w Zahoorullah O.S. East Zone,
ACE, Karachi and Muhammad Farooq Bugti, ACE East Zone Karachi.

15.04.2022.

ORDER

MUHAMMAD IQBAL KALHORO J: Petitioner has challenged proceedings of raid conducted on his private office located in House No.890 Daud Cooperative Housing Society main Stadium Road, Karachi by Anticorruption Establishment, Karachi on 02.03.2022 at about 2.45 PM on the ground that same were illegal, in the course of which the raiding party caused damage to his official equipment, ransacked and harassed his staff and family members and caused damage to the premises. Further, the said raid was conducted without any warrant and sanction by any judicial forum and the raiding party took away property documents/ original files of moveable and immovable property.

2. Learned counsel for petitioner in his arguments has reiterated the aforesaid facts and grounds besides articulating that the raid was planned to be conducted on the office of Daud Cooperative Housing Society adjacent to petitioner's premises and by mistake the officials raided petitioner's premises, which is evident from the letter to District & Sessions Judge by ACE requesting him to depute Magistrate for raid proceedings, wherein specific address of the premises has not been mentioned.

3. On the other hand, learned Addl. A.G and I.O. have submitted that in response to a complaint, upon which enquiry No.2273/2022

has been registered, and under permission of learned District & Sessions Judge, District East, the raid was conducted in presence of the Judicial Magistrate concerned. The original files, after keeping Photostat copies thereof for further enquiry, have been returned to the petitioner; Enquiry is ongoing and allegations against the petitioner are that he has occupied government land under the garb of fake documents.

4. After hearing both the parties, we are of the view, prima facie no illegality has been committed. The raid was conducted after communicating such information to the learned District & Sessions Judge, East Karachi and in presence of a judicial Magistrate. Statedly, necessary documents recording details of the raid were prepared. It is noted that enquiry is still pending and has not been finalized. This Court, it is settled, cannot intervene in the enquiry or investigation being conducted into allegations constituting a criminal offence. The arguments of learned counsel that this raid was meant for some other premises and not his premises, and that in the letter to learned District & Sessions Judge by ACE, Karachi, address of the premises to be raided is not mentioned cannot be appreciated nor can be decided while exercising constitutional jurisdiction as it requires a certain enquiry to be made into such facts before making any inference in this regard. More so, the I.O. does not seem to endorse such assertion of the petitioner that as a result of a mistake raid was conducted on premises of the petitioner. He has specifically said that there is a complaint against the petitioner of illegally occupying the government land by manipulating forged documents and the targeted premises, belonging to the petitioner, was searched for collecting evidence for this purpose. This being the position, we do not find any merit in this petition and dismiss it accordingly.

JUDGE

JUDGE

A.K