

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-4882 of 2019

Date: Order with signature of Judge

1. For orders on MA No.21377/19
2. For orders on office objection
3. For orders on MA No.21378/19
4. For orders on MA No.21379/19
5. For hearing of main case

25.7.2019

Mr. Sohail Hameed for petitioner
.X.X.X.X.

1. Urgency application granted.
- 2 to 5: Learned Counsel for the petitioner submits that in FIO, 2001 Section 7(1)(b) and Section 7(2) deal with the banking offences. He submits that in terms of Entry No.28 and Entry No.56 of Federal Legislature List, since banking business and offences against the laws with respect to any of the matter are being dealt with separately, therefore the statute should have been promulgated separately and since Section 7(1)(b) and Section 7(2) and other banking reliefs for recovery are available in one statute i.e. FIO, 2001, it is violation of such entries as well as Articles 70 and 142 of the Constitution of Islamic Republic of Pakistan and the law should be struck down.

We have perused the prayer clause as well as the relevant entries of IVth Schedule and relied Articles of the Constitution of Islamic Republic of Pakistan read by Mr. Sohail Hameed. 4th Schedule of the Constitution of Islamic Republic of Pakistan does not prescribe any limit for separate promulgation of the statute in terms of entries. Entry No.28 is otherwise complete entry to legislate on the issues of banking which include civil and criminal both. The provisions where the subject sections 7(1)(b) and 7(2) are enumerated, are not in violation of either the entries or the articles relied upon by Mr. Sohail. The law that governs banking issues deals with the subject in two ways i.e. civil and criminal. FIO 2001 is the

entire code to initiate legal proceedings which may be civil or criminal and the statute or the provisions even otherwise cannot be struck down on the strength of such contention.

The petition has no merits and the same is dismissed as such along with all pending applications.

Judge Judge