

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

CP D 504 of 2022

Date	Order with signature of Judge(s)
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1. For hearing of CMA No.2329/2022.
2. For hearing of main case.

21.03.2022

Moulvi Iqbal Haider, Advocate for the Petitioner.
Mr. Manzoor Ahmed Advocate for Respondent.No.3.
Syed Shafqat Hussain Shah Masoomi, Advocate for Respondent No.4.
Mr. Irfan Ahmed Memon, Deputy Attorney General.

The petitioner seeks the unblocking of his bank accounts, ostensibly blocked on account of suspicious transaction reports having been generated and submitted to the law enforcement agencies by State Bank of Pakistan.

Petitioner's counsel predicates his claim primarily upon *ad / interim* orders obtained in some other petitions. On the contrary, the respondents' stance is that the Financial Monitoring Unit of the State Bank of Pakistan had generated suspicious transaction report/s, in pursuance whereof an FIR has also been registered, and that the restraint in respect of bank accounts is also a corollary of the same scenario.

Heard and perused. Petitioner's reliance upon the orders, extraneous hereto, is unwarranted and even otherwise no direction was manifest therein in respect of blockage of bank accounts. The SBP has generated the suspicious transaction report/s and required the LEAs to take remedial / protective measures, culminating in the FIR and the account blockage. The fate of the STRs and the measures taken pursuant thereto shall be determined by the court of competent jurisdiction.

Article 199 of the Constitution contemplates the discretionary¹ writ jurisdiction of this Court and the said discretion may be exercised in the absence of an adequate remedy. In the present matter, admittedly, the alternate remedy has yet to be invoked / exhausted and no case is made out for directly entertaining this matter in the writ jurisdiction. Even otherwise the entire premise of the petitioner is based upon disputed questions of fact, requiring detailed factual inquiry, investigation and / or evidence. It is settled law that the adjudication of disputed questions of fact, requiring evidence etc., is not amenable in the exercise of writ jurisdiction².

In view hereof, we are constrained to observe that in the *lis* before us the petitioner's counsel has been unable to set forth a case for the invocation of the discretionary writ jurisdiction of this Court, hence, the listed petition is hereby dismissed.

Judge

Judge

¹ Per *Ijaz Ul Ahsan J. in Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.

²2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415;