

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Accountability Acquittal Appeal No. 07 of 2022

Date Order with signature of Judge

Fresh Case.

1. For order on M.A. No. 13119/2022.
 2. For hearing of main case.
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11.11.2022.

Dr. Raja Muhammad Ali, Special Prosecutor NAB.

Muhammad Junaid Ghaffar, J.- Through this Criminal Accountability Acquittal Appeal, NAB has impugned Order dated 08.01.2022, whereby, the learned Accountability Court No.I at Karachi has allowed an application of Respondent under Section 265-K Cr.P.C. acquitting the respondent.

We have heard learned Special Prosecutor NAB and have perused the record. It appears that the only case of NAB against the present Respondent was that he was instrumental in releasing the retirement and pensionary benefits of Zubair Ahmed, who was an accused in this Reference. However, it has come on record that insofar as the said accused is concerned, there were no disciplinary proceedings initiated by the National Bank of Pakistan, which could result in holding his pensionary benefits. It has further come on record that the present Respondent had not sanctioned any release of retirement benefits; rather it was the President of National Bank of Pakistan, who had approved such release, whereas, he was neither made an accused nor a witness. Moreover, as conceded, there is no provision in law or Rules, which prohibits release of retiring benefits to an employee; who is otherwise an accused in some matter. The learned Trial Court, in our considered view, had reached to a right conclusion that there was no likelihood of conviction of Respondent; hence the application under Section 265-K Cr.P.C. was allowed.

In view of above, we are not inclined to interfere with the impugned Order of the Trial Court. Accordingly, this Criminal Accountability Acquittal Appeal is dismissed in limine with pending applications.

JUDGE

JUDGE

Ayaz P.S.