

ORDER SHEET  
**THE HIGH COURT OF SINDH AT KARACHI**

Criminal Accountability Acquittal Appeal No.26 of 2012  
Criminal Accountability Acquittal Appeal No.29 of 2012

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of main case.

**06.10.2022**

Dr. Raja Muhammad Ali, Special Prosecutor NAB.

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On 21.09.2022 we have passed the following order:-

“As per Bailiff’s report respondents could not be served as the address is incorrect. Notwithstanding this report, we have perused the record and it appears that present respondents have been acquitted by the learned trial court on their applications u/s 265-K Cr.PC filed pursuant to order of this court in their CP No.D-2075/2011 on the ground that they should approach the trial court. It further appears that main accused namely Mian Aftab Ahmed against whom reference was filed and who had allegedly taken loan, was quashed vide order dated 15.01.2009 passed in CP No.D-1955 of 2007 and the learned trial court after placing reliance on the said order has also acquitted the present respondents. We have conformed, learned Special Prosecutor, NAB as to how these acquittal appeals have been filed as apparently the order of acquittal of Mian Aftab Ahmed was never challenged. To this, learned Special Prosecutor, NAB needs time to come prepared and seek instructions on these acquittal appeals which have been filed by NAB whereas the main accused already stands acquitted.”

Thereafter on 23.09.2022 learned Special Prosecutor NAB had placed a letter dated 22.09.2022 addressed to the Prosecutor General NAB seeking permission to withdraw these accountability appeals apparently in light of the order passed on 21.09.2022. Today Special Prosecutor NAB has placed before us a letter dated 05.10.2022 addressed to the Deputy Prosecutor General NAB at Karachi, wherein it is stated that the matter was considered at appropriate level and competent authority has observed that the matter be proceeded on merits before the court. While confronted, we are informed that order has been passed by the competent authority on the advice of acting Additional Prosecutor General NAB. He further submits that as Special Prosecutor NAB, he has

already submitted his recommendation withdrawal of these acquittal appeals.

In the circumstances, when according to Special Prosecutor NAB, these acquittal appeals ought to have been withdrawn, he is not in a position to assist us any more, let Acting Additional Prosecutor General NAB on whose advice the competent authority has sought decision of these appeals on merits, instead of withdrawal, be present in court on the next date to assist us with response to the order dated 21.009.2022. To come up on 03.11.2022. Let copy of this order be issued to the Acting Additional Prosecutor General NAB for information and compliance.

Office to place copy of this order in the connected matter as mentioned above.

JUDGE

JUDGE

Khuhro/PA