

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Accountability Acquittal Appeal no.D-105 of 2019

C.P.No.D-127 of 2020

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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26.05.2021

Mr. Jango Khan, Special Prosecutor NAB.  
Mr. Ishrat Ali Lohar, Advocate a/w respondent.

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Reference No.1 of 2018 was filed before learned Judge, Accountability Court at Hyderabad against respondent Bachu Mal. After regular trial, vide judgment dated 08.08.2019, respondent Bachu Mal was acquitted of the charges. As regards to the properties, following orders were passed:-

i) *Prized Bonds of Rs.40,000/- each total 183 prize bonds total worth of Rs.6,920,000/-, prize bonds of Rs.25,000/- each total 497 prize bonds worth of Rs.12,425,000/-, prize bonds of Rs.15,000/- each total 200 prize bonds total worth of Rs.3,000,000/-, prize bonds of Rs.7,500/- each total 397 prize bonds total worth of Rs.2,977,500/-, Savings Certificates containing amount Rs.5 Lacs each total 10 total worth of Rs.5 Million & Postal Life Insurance worth Rs.2 Million seized by I.O, NAB as per seizure memo are ordered to be restored to accused Bachu Mal S/o Chatru Mal after the lapse of appeal period if any.*

ii) *Sale Agreements/Deeds of various properties as per mentioned in the reference are also ordered to be restored to accused Bachu Mal S/o Chatru Mal after the lapse of appeal period if any.*

After passing the judgment, learned Advocate for applicant / Bachu Mal filed an application under Section 517 Cr.P.C for return of the aforesaid properties in terms of the judgment passed by the learned trial Court, wherein following order was passed.

*“Application filed by learned Counsel of Bachu Mal is disposed of accordingly.”*

We have heard learned Counsel for respondent Bachu Mal and learned Special Prosecutor appearing for NAB and have come to the conclusion that the aforesaid order is not speaking order. Learned trial Court has ordered for restoration of the properties to Bachu Mal but we are unable to understand as to why despite passing properties order under Section 517 Cr.P.C application

of acquitted accused was disposed of without proper orders. It is not the order in the eyes of the law. Every judicial order should be passed by application of mind by assigning the sound reasons. Mr. Lohar submits that Government of Pakistan has decided that sale of prize bonds will end on 31<sup>st</sup> of the current month. Learned Counsel for applicant and Special Prosecutor NAB submitted that substitution of the surety may be ordered during pendency of acquittal appeal.

In view of the above, learned Judge, Accountability Court, Hyderabad is directed to decide the application for return of prize bonds within two days after receipt of this order. Learned Accountability Court may also consider the substitution of the surety. Office is directed to return the R&Ps to the trial Court forthwith. Let copy of the order be sent to the trial Court for information and compliance. Listed application (MA No.3473 of 2021) is accordingly disposed of. Criminal Acquittal Appeal is adjourned to a date in office.

JUDGE

JUDGE

Shahid