ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.Ps. Nos.181 and 182 of 2020

Date Order with signature(s) of Judge(s)

17.02.2020

Mr. Zubair Ahmed Abro, advocate for petitioners Mr. Sarwar Khan, Additional Advocate General Sindh

Learned Additional Advocate General Sindh requests for time to seek instructions and to file comments. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

Adjourned to a date in office. Let these petitions be taken up along with other connected petitions, including C.P. D-3309/2011 on the next date of hearing. Interim order passed earlier to continue till the next date.

JUDGE

Gulsher/PS

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-8406 of 2019

Date	Order with signature(s) of Judge(s)
1. 2.	For hearing of Misc. No.37009/2019 For hearing of main case

<u>17.02.2020</u>

Mr. Muhammad Saleem Mangrio & Ms. Nasima Mangrio, advocates for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General Mr. Khalid Rajpar, advocate for respondent

Learned counsel for the petitioner submits that pursuant to Court's order dated 14.01.2020, the petitioner has filed statement along with copies of orders passed in Suits Nos.84 and 354 of 2018, copy of the same have been supplied to the learned counsel for respondents. Learned counsel for respondents has also filed para-wise comments, which taken on record, copy has been supplied to the learned counsel for the petitioner.

To come up on **27.03.2020**.

JUDGE

JUDGE

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.7929 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

1. For hearing of Misc. No.3169/2020

2. For hearing of main case

<u>17.02.2020</u>

Sardar Faisal Zafar, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice Aijaz Ahmed Qureshi, Deputy Chief Inspector of Stamps, Board of Revenue Sindh has shown appearance and requests for time to file comments, whereas, learned Assistant Attorney General submits that due to inadvertence name of DAG has been wrongly mentioned in order dated 31.01.2020, instead of learned Advocate General Sindh. Mr. Sarwar Khan, learned Additional Advocate General Sindh, present in Court in some other case, waives notice, claims copy of instant petition along with annexures and requests for time to file comments on behalf of respondents. Learned counsel for petitioner undertakes to supply the copy during the course of the day.

Learned counsel for the petitioner submits that due to paucity of funds, 50% disputed amount, as ordered by this Court on 31.01.2020, could not be deposited before the Nazir of this Court, therefore, requests that fifteen days' time may be extended. Order accordingly.

To come up on **24.03.2020**.

JUDGE

JUDGE

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-7912 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

1. For orders on Misc. No.4656/2020 (U/A)

- 2. For hearing of Misc. No.34901/2019
- 3. For hearing of main case

<u>17.02.2020</u>

Ms. Dil Khurram Shaheen, advocate for petitioner

1. Learned counsel for petitioner seeks urgency. Urgency granted.

2&3. To come up on **20.03.2020**, however, after notice to the respondents as well as DAG.

JUDGE

Gulsher/PS

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-7821 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

1. For hearing of Misc. No.34523/2019

2. For hearing of main case

<u>17.02.2020</u>

Mr. Zain A. Jatoi, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General Mr. Khalid Rajpar, advocate for respondent a/w IO Waqas Rashid, Preventive Officer

Learned counsel for petitioner has placed copy of Order-in-Original 07.01.2020, Collector No.644/2019-20 dated passed by of Customs (Adjudication-I), Custom House, Karachi wherein, according to learned counsel for petitioner, it has been held that no violation of any provision of the Customs Act, 1969 and Customs Rules, 2001 has been made out; the show cause notice issued to the petitioner has been vacated, whereas, respondents were directed to release the trailer bearing Registration No.TLA-263 along with container/ consignment bound for transit to Afghanistan after necessary formalities as required under the law as there is no fault of the Afghan importer. However, according to learned counsel for petitioner, perhaps under the pressure of Collectorate of Preventive, Corrigendum dated 30.01.2020 has been issued whereby personal penalty of Rs.20,000/- each has been imposed upon petitioners 1 and 2 as well as driver, namely Izzatullah son of Haji Hanifia. Per learned counsel, the petitioners are even willing to deposit such penalty though it has been imposed in violation of law, however, requests that the respondents may be directed to release the trailer and the consignment whereas petitioner will seek further remedy by approaching the trial court, seeking quashment of FIR in according with law.

IO present in Court along with learned counsel for respondents was asked to assist this Court as to whether any pilferage or violation of Afghan Transit Scheme has been made by the petitioners in the instant case, in response, he candidly stated that there was no pilferage nor any violation of Afghan Transit Scheme has been made except the violation by the driver of trailer to the extent that he has loaded 32 bags of saw dust on the top of the container.

In view aforesaid facts, instant petition stands disposed of with direction to the respondents to release the trailer and the container within seven days and submit compliance to this Court through MIT-II. However, the petitioners shall join investigation and cooperate with the prosecution agency, and shall surrender themselves before the trial Court and may obtain bail in accordance with law within seven days from the date of receipt of this order, whereafter, petitioners will be at liberty to seek further remedy i.e. quashment of FIR by filing application under section 265-K, Cr.PC, which may be decided at an early date in accordance with law.

Instant petition stands disposed of along with listed application in the above terms.

JUDGE

Gulsher/PS

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-7762 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

1. For hearing of Misc. No.34278/2019

2. For hearing of main case

<u>17.02.2020</u>

Mr. Ghulam Shabbir Babar, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Learned counsel for petitioner files statement along with judgment dated 17.01.2020 passed by Customs Appellate Tribunal, Bench-III, Karachi in Customs Appeal No.H-1129/2019/1280 and submits that the Customs Appellate Tribunal has also allowed the appeal, therefore, requests that the respondents may be directed to release the vehicle of the petitioner.

No one is in attendance on behalf of respondents, whereas, Mr. Ghulam Murtaza, advocate, present in Court in some other case, waives notice, claims copy of instant petition along with annexures, undertakes to file vakalatnama and requests for time to file comments on behalf of respondents. Learned counsel for petitioner undertakes to supply the copy during the course of the day.

To come up on **10.03.2020**. Interim order passed earlier to continue till the next date of hearing.

JUDGE

Gulsher/PS

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-7568 of 2019

Date	Order with signature(s) of Judge(s)	
1. 2.	For hearing of Misc. No.33391/2019 For hearing of main case 	
<u>17.02.2020</u>		

Mr. Ghulam Haider Shaikh, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General Ms. Masooda Siraj, advocate for respondents

Counsel for respondents requests for further time to file comments. Counsel for petitioner seeks urgency and submits that order passed by this Court on 03.12.2019 has not been complied with by the respondents. Respondents are directed to ensure compliance of the Court's order dated 03.12.2019 and submit compliance on the next date, failing which appropriate orders will be passed against the delinquent officer on the next date.

To come up on **09.03.2020**.

JUDGE

JUDGE

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.Ps Nos.7134 and 7136 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

<u>17.02.2020</u>

Mr. Qazi Omair Ali, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General Mr. Muhammad Khalil Dogar, advocate for respondent

Comments have been filed on behalf of respondents 6, 7 and 8, which are taken on record, copy has been supplied to the learned counsel for petitioner.

Learned counsel for respondents as well as learned Assistant Attorney General submit that in both these cases laboratory reports, with regard to samples drawn from the subject consignment of the petitioner, have been received from National Institute for Biotechnology & Genetic Engineer (NIBGE), Faisalabad, according to which, Aflatoxin level for human consumption is much higher than the maximum permissible limit. Learned counsel for petitioner does not dispute such factual position, however, submits that the petitioner will be satisfied and will not press the instant petition, provided the respondents may be directed to consider the request of the petitioner for allowing re-export of the consignment of the petitioner in accordance with law.

Accordingly instant petition stands dismissed as not pressed along with listed application, however, the petitioner will be at liberty to approach the concerned departments, including the Department of Plant Protection, Government of Pakistan, as well as the customs authorities with the request of allowing re-export of the subject consignment, which may be considered in accordance with law, preferably within a period of four weeks.

JUDGE

JUDGE

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-4128 of 2019

DATE ORDER WITH SIGNATURE(s) OF JUDGE(s)

DITL

- 1. For orders on CMA No.4655/2020 (U/A)
- For orders on CMA No.4655/2020 (U/A)
 For hearing of CMA No.18223/2019 (Stay)
- 3. For hearing of main case
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17.02.2020

Ms. Dil Khurram Shaheen, advocate for petitioner Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General Ms. Masooda Siraj, advocate for respondent

1. Learned counsel for petitioner seeks urgency. Urgency granted.

2&3. To come up on **25.02.2020**, as requested by learned counsel for petitioner, to be taken up along with other connected petitions.

JUDGE

Gulsher/PS