

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4327 of 2026
(Hafiz Muhammad Younus versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and decision: 14.7.2026

Mr. Muhammad Nawaz Kubar, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner Hafiz Muhammad Younus has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions to learned Special Judge, Anti-Corruption (Central-I), Karachi to decide the application under Section 265-K Cr.P.C. pending before it, of the present petitioner in FIR No.19/2023 under Section 5(2) of the PCA 1947, read with Section 156(8)(89) of the Customs Act, 1969 read with Section 109 PPC registered at PS FIA ACC Karachi, in accordance with law, within a period of one month.

2. Learned counsel for the petitioner submits that the petitioner has an unblemished service record and has been falsely implicated in the aforesaid FIR, which was initially registered against Customs officials Tariq Mehmood and Yawar Abbas on allegations of corruption, smuggling facilitation and recovery of cash/foreign currency from their vehicle at Jinnah International Airport, Karachi. It is contended that the petitioner was neither named in the FIR nor any specific role was attributed to him at the initial stage. It is further submitted that subsequently, based on statements of co-accused persons, including Imran Noorani, the petitioner was implicated and his name was incorporated in the final challan. However, the statement of Imran Noorani recorded under Section 164 Cr.P.C. does not contain any allegation or specific role against the petitioner. It is argued that the case against the petitioner is based merely on the alleged statement of a co-accused, which is inadmissible and insufficient to establish criminal liability. Learned counsel further submits that during trial, prosecution witnesses Ghulam Murtaza and Muhammad Tahir have also failed to disclose any incriminating material against the petitioner. It is contended that similarly placed co-accused persons, namely Amjad Hussain Rajpar and Tariq Hussain, have already been acquitted by the learned Special Judge (Central-I), Karachi under Section 265-K Cr.P.C., wherein the Court observed absence of actus reus, mens rea, nexus, corroborative evidence and probability of conviction. It is further argued that the petitioner is facing parallel proceedings before the Special Judge, Anti-Corruption (Central-I), Karachi and Special Judge (Customs, Taxation and Anti-Smuggling), Karachi arising out of the same set of allegations, which

amounts to abuse of process of law and may result in conflicting findings. Reliance has also been placed upon the order dated 21.08.2024 passed by this Court in the case of Fida Hussain Janvery, whereby proceedings before the Special Judge, Anti-Corruption (Central-I), Karachi were stayed to the extent of the said applicant. Learned counsel submits that despite directions of this Court dated 03.03.2026 regarding expeditious hearing of applications under Section 265-K Cr.P.C., the application of the petitioner has not yet been decided. Therefore, the petitioner has approached this Court seeking appropriate directions for disposal of his pending application in accordance with law. The petitioner has prayed that the learned Special Judge, Anti-Corruption (Central-I), Karachi be directed to decide his application under Section 265-K Cr.P.C. in FIR No.19/2023 within a period of one month, along with any other relief deemed appropriate in the circumstances.

3. We have heard the counsel for the petitioner and, examining the contents of the petition, it appears that the grievance of the petitioner is confined to the non-disposal of his application under Section 265-K Cr.P.C. pending before the learned Special Judge, Anti-Corruption (Central-I), Karachi. The petitioner has not sought adjudication of the merits of the criminal proceedings at this stage; rather, he seeks expeditious decision of his pending application in accordance with law.

4. It is a settled principle of law that every accused person is entitled to a fair trial and due process of law as guaranteed under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, which includes the right to have his pending applications decided by the competent Court within a reasonable time. Likewise, the trial Court is required to exercise its jurisdiction independently and decide all applications, including an application under Section 265-K Cr.P.C., strictly in accordance with the material available on record and the law governing the subject.

5. The apprehension of the petitioner that his application is not being taken up for hearing due to absence of his name in the earlier order dated 03.03.2026 passed by this Court cannot be made a ground to deprive him of his statutory remedy available before the learned trial Court. The order passed by this Court was intended to facilitate expeditious hearing of pending applications and does not restrict the learned trial Court from considering the application of any similarly placed accused person in accordance with law.

6. It is also a settled proposition that while exercising constitutional jurisdiction under Article 199 of the Constitution, this Court does not ordinarily interfere in pending criminal proceedings where an effective remedy is available before the trial Court. However, where a complaint relates only to delay in exercise of jurisdiction by a

subordinate Court, appropriate directions may be issued to ensure that the proceedings are conducted fairly and expeditiously.

7. In view of the above, without expressing any opinion on the merits of the allegations, evidence or the pending application under Section 265-K Cr.P.C., the learned Special Judge, Anti-Corruption (Central-I), Karachi is directed to take up and decide the said application of the petitioner strictly in accordance with law, after providing opportunity of hearing to all concerned, preferably within a period of one month from the date of receipt of this order.

8. With the above direction, the instant petition, along with pending applications, stands disposed of.

JUDGE

JUDGE