

SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Yahya Afridi

S.M.R.P. NO.420 OF 2019 IN C.P. NO.258 OF 2017

AND

C.M.A. NO.229 OF 2020 IN C.P. NO.3959 OF 2019

***SMRP.420/2019 in
CP.258/2017***

*Suo Moto Review Petition on Court direction
passed in Civil Petition No.314 of 2019
regarding grant of bail to co-accused in Civil
Petition Nos.258, 260, 268 and 457 of 2017*

***CMA.229/2020 in
CP.3959/2019***

*Delay in trial of cases by the Accountability
Courts in the light of Section 16 of the
National Accountability Ordinance, 1999
requiring decision by NAB cases within 30
days*

For the Federation

: Mr. Sohail Mehmood, Additional
Attorney General
Raja Naeem Akbar, Acting Secretary,
Ministry of Law & Justice
Wajid Aziz, Section Officer, Ministry of
Law & Justice

For the NAB

: Syed Asghar Haider, Prosecutor
General
Mr. Hassan Akbar, Additional
Prosecutor General

For the Accused

: Sardar Muhammad Latif Khan Khosa,
Sr.ASC
Sardar Shahbaz Ali Khosa, ASC
Malik Javed Iqbal Wains, ASC
Mr. Zulfiqar Khalid Maluka, ASC

Date of Hearing

: 21.10.2020

ORDER

GULZAR AHMED, CJ.- Pursuant to the order of this Court dated 23.07.2020, the Chairman, NAB has submitted a report by way of CMA No.5130/2020. Another report by way of CMA No.5052/2020 has been filed stating therein that under Section 34 of the National Accountability Ordinance, 1999 (**the NAO 1999**), the Chairman, NAB has drafted the proposed Rules and sent the same to the President of

Pakistan on 26.08.2020 for his approval in accordance with the provisions of the NAO, 1999.

2. Learned Additional Attorney General states that such rules are being considered by the Ministry of Law and Justice and on being found in order, will be approved and promulgated. He states that for this purpose, the Ministry of Law and Justice needs one month's time.

3. The Ministry of Law and Justice has further filed report by way of CMA No.6508/2020 in which it is mentioned that as per the sanctioned strength, as of today, all 24 Accountability Courts are functioning and there is no vacancy.

4. As regards the establishment of 120 additional Accountability Courts, it is stated by the learned Additional Attorney General that this matter is going to be finalized and decision on it will be taken by the Cabinet within a week's time. He requests that the matter may be adjourned to a date after one month so that all measures regarding establishment of 120 additional Accountability Courts are taken by the Government. A report in this respect be filed by the Secretary, Ministry of Law and Justice well before the next date of hearing.

5. As regards Reference No.58 of 2016, pending before the Accountability Court at Karachi, we are informed that only five (05) prosecution witnesses have been examined and still 21 witnesses are to be examined by the prosecution. It is informed by the learned Prosecutor General, NAB that the matter is fixed before the Accountability Court on 31.10.2020.

6. In our previous order, we noted the factum of delay in disposal of References pending in the Accountability Courts and asserted that the Accountability Courts should not delay the disposal of References and should try and dispose of the same, as far as possible, in accordance with the provisions of the NAO, 1999 or at the earliest

possible date. It is, therefore, directed that all cases pending before the Accountability Courts, once they come for recording of evidence, shall be heard by the Accountability Courts, all over the Pakistan, day-to-day without granting any adjournment and ensuring that all evidence in them are concluded expeditiously. The Prosecutor General, NAB will ensure availability of all witnesses, from prosecution side, in all the References pending before the Accountability Courts and shall not seek any adjournment in this regard. The Chairman, NAB shall ensure that compliance of the Court's order is made in letter and spirit and if any body is found not performing its function properly, take disciplinary action against him.

7. The Accountability Court, in the above noted Reference, shall record evidence of all the prosecution witnesses on 31.10.2020 and no adjournment in this respect shall be granted. The Accountability Court shall then fix the matter on 02.11.2020 for recording of statement of the accused and also the defence evidence and no adjournment in this respect shall be allowed. In this way, the evidence in the Reference will be completed by the Accountability Court on 02.11.2020. Thereafter, within further one week's time, the Accountability Court shall positively decide the Reference. In this respect, the Accountability Court shall submit its report to the Registrar of this Court for our perusal on the next date of hearing.

8. To come up after one month.

CHIEF JUSTICE

JUDGE

JUDGE