


This Shariat petition is filed to challenge Sections 10, 11 and 12 of the National Accountability Bureau Ordinance 1999, for being repugnant to Islamic injunctions, by three brothers and the sons of the respondent No 2 and 3 of the corruption case decided by the accountability Court, Karachi where the above mentioned two respondents were convicted by the accountability Court and awarded the punishment of heavy fine and rigorous imprisonment of five years. Appeal was filed before the Sindh High Court against this judgment. The High Court pleased to reduce the amount of fine as well as the period of confinement. The august Supreme Court upheld/maintained the judgment of the High Court when appeal filled before it against the judgment of High Court. As a last resort, Section 10,11 and 12 of National Accountability Ordinance 1999 were challenged before this Court for being repugnant to the injunctions of Islam. It was also contended that the rejection of plea bargaining under Section 25 of the said Ordinance is based on discrimination, hence repugnant to the injunctions of Islam. It was also contended that "Where the aspect of any matter or issue is overlooked in any judicial forum, in any case, that can be reopened for discussion even after taking finality of the case. According to the petitioners, when the judgment of Supreme Court attains finality, it becomes a law and any law can be challenged before this Court for being repugnant to the injunctions of Islam. According to the petitioners, the trial Court treated their parents discriminately and awarded the woman the punishment of imprisonment, which according to them, is not allowed in Islam.

When we go through this petition, it becomes evident that it is mainly based on personal grievances and has been filed in a quest to get relief from this Court against the order of trial Court. They filed appeal before the Sindh High Court and

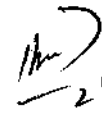
august Supreme Court of Pakistan and succeeded in getting some relief in terms of reduction in fine and period of confinement. The petitioners have not mentioned the grounds as why and on which grounds, Sections 10'11 and 12 of the impugned law are repugnant to the injunctions of Islam nor produced the Quranic verses and traditions of the Holy Prophet to which these provisions are in conflict. The petitioners have referred some Suras of the Holy Quran at page 2 of the main petition which are not sufficient in terms of requirements under FSC procedure rules 1981.

This Petition was filed in this court on 22/7 2006 and placed before the Court on 24/1/2007 for preliminary hearing. The Petitioners moved an application for adjournment on the grounds of illness. The previous record shows that since then, neither the petitioners nor their Counsel has ever appeared before the Court nor sent any application for adjournment. On 23-4-2007, this petition was dismissed for non prosecution but later on it was restored automatically because under the procedure rule of this court, a Shariat Petition once filed, cannot be dismissed for non prosecution or on a death of the petitioner. This petition was restored on 6-7-2010 but the petitioners seem to be least interested in pursuing this Shariat Petition simply because the period of confinement of their parents may have completed with the lapse of specified period of confinement.

The matter may be placed before the Hon. Court for appropriate orders.


 Faza Elahi Qazi
 SRA

Learned Registrar


 24/6