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ADVOCATES

CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Thursday, 11 June 2026

Upload Window: 9-11 June 2026 (last 3 working days)

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The Supreme Court, Federal Constitutional Court, Islamabad High Court and Sindh High Court had no reportable judgment uploaded in the 9-11 June window. One Lahore High Court item (Civil Revision 17151/2017 — Muhammad Iqbal v. Province of Punjab) uploaded 09 June was a scanned image PDF without a text layer and could not be processed; noted for the next issue. The 22 May SHC/FCC carryover remains parked.

Lahore High Court

5 judgments

SPOUSAL ABUSE, ABETMENT OF RAPE, BAIL

Muhammad Ajmal v. The State, etc.

POST-ARREST BAIL ALLOWED; CASE OF FURTHER INQUIRY

CrI. Misc. No.3141-B of 2026 | 2026 LHC 3442 · Bench: Muhammad Amjad Rafiq, J. · Decided: 03.06.2026 (signed 08.06.2026) · Uploaded: 10.06.2026

FACTS

Petitioner Muhammad Ajmal, husband of the complainant, sought post-arrest bail in FIR No.431 dated 26.06.2025 under sections 376, 371A and 292 PPC at PS Saddar Jampur, District Rajanpur. The complainant alleged that to clear a debt owed to co-accused Ghulam Nazuk (alias Khani), her husband took her at pistol point to Nazuk's house where Nazuk raped her; the petitioner video-graphed the act and then blackmailed her into repeated sexual intercourse with Nazuk and others. Co-accused Yasin allegedly acted as armed guard, and Riaz Hussain allegedly attempted to sell her. The complainant escaped on 26.05.2025 and the FIR was lodged a month later on 26.06.2025. Petitioner was implicated solely on the basis of her statement; co-accused Nazuk had already been granted bail. Petitioner had been in custody since 04.01.2026 and investigation was complete.

LEGAL ISSUE

Whether a husband who himself does not commit sexual intercourse but coerces, facilitates or abets such acts can be held criminally liable under the existing PPC framework, and whether on the available record (delayed FIR, no corroborative medical/forensic/video evidence, sole statement of complainant, bail of co-accused) the petitioner is entitled to post-arrest bail under sections 376, 371A and 292 PPC, the case being one of further inquiry.

HOLDING

The Court allowed the petition and admitted the petitioner to post-arrest bail on bonds of Rs.500,000/- with one surety in the like amount to the satisfaction of the trial Court. It held that although the PPC contains no specific offence of spousal abuse, abetment-type liability can be invoked under sections 109, 365B, 375-376, 371A/371B, 496A and 496B PPC, but on the facts the considerable delay in lodging the FIR, absence of medical/forensic/video evidence, lack of material showing the complainant was sold or used as a prostitute, and grant of bail to co-accused Nazuk made the petitioner's case one of further inquiry, with scanty material to sustain charges of abetment of rape (s.376), attempt under s.371A or video-graphing under s.292 PPC; the question of abetment was to be determined by the trial court after evidence.

LEGAL SIGNIFICANCE

The judgment maps the post-2006 statutory landscape for prosecuting spousal sexual abuse, clarifying that the omission by the Protection of Women (Criminal Laws Amendment) Act, 2006 of section 19 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 did not automatically revive repealed PPC provisions (notably sections 366, 372, 373, 497, 498), and that section 199 Cr.P.C. has become a dead letter. It catalogues the surviving provisions through which a husband may be prosecuted for facilitating illicit intercourse with his wife (sections 109, 365B, 375-376, 371A/371B, 496A, 496B PPC, the Punjab Suppression of Prostitution Ordinance 1961 and the Punjab Protection of Women Against Violence Act 2016), reiterates the bar in section 5A of the Hudood Ordinance against converting sexual-offence prosecutions, and contains a strong direction to the legislature to enact a substantive penal offence of spousal abuse.

LEGAL PROPOSITIONS (VERBATIM)

— *Thus, a statutory provision, once repealed, does not regain force or validity merely because the repealing enactment itself is subsequently repealed. The principle of law is that repeal operates to extinguish the provision unless it is expressly revived by competent legislation.*

— Thus, it is held that while the PPC does not explicitly define "spousal abuse," several provisions can be invoked to prosecute abusive conduct. These include 'enticing or taking away or detaining with criminal intent a woman' (496A), 'fornication' (Section 496B), 'abetment' (Section 109), 'abduction or inducement for illicit intercourse' (Section 365B), and 'rape' (Sections 375–376). Other relevant offences include 'selling or buying a woman' (Sections 371A & 371B) and 'prostitution' under the Punjab Suppression of Prostitution Ordinance, 1961.

— The statutory framework expressly prohibits the court from altering a conviction or sentence to another penal provision in cases involving rape, enticement of woman, fornication, and related offences, even if the evidence on record might otherwise justify such a course.

— It is imperative that the legislature consider enacting a specific offence of spousal abuse, either by insertion into the Pakistan Penal Code or through a distinct special law, so that such acts are not merely treated as civil wrongs but are recognized and punished as criminal offences.

LEGAL PRINCIPLES EXPOUNDED

Repeal of a repealing statute does not automatically revive the previously repealed provision; revival requires express legislative action.

Source: the mere repeal of the repealing statute does not, by implication, breathe life back into the earlier provision. Revival of a repealed law requires a clear and deliberate legislative act, not an automatic consequence of the repeal of the repealing law.

Authority: General Clauses Act, 1897, ss.6 & 6A; Punjab General Clauses Act, 1956, s.6

Where a husband induces or coerces his wife to engage in sexual intercourse with another for benefit, the wife's apparent consent is vitiated, the act amounts to rape and the husband is liable for abetment of rape read with section 365B PPC.

Source: if the wife engages herself in sexual intercourse under compulsion, the act amounts to rape under Section 375 PPC. Although the wife's apparent consent may exist, it is vitiated by coercion, intimidation, or abuse of authority. Consequently, the husband would be liable for abetment of rape.

Authority: Sections 365B, 375, 376 read with s.109 PPC

Section 371A PPC requires sale, hire or disposal of a person for purposes of prostitution or illicit intercourse and is not attracted where a husband does not, as a matter of routine, use, sell or permanently dispose of his wife.

Source: it shall not be applied in cases where a husband, as a matter of routine, does not use his wife for prostitution, nor does he sell or permanently dispose of her.

Authority: Section 371A PPC

Sexual-offence prosecutions (zina, rape, enticement, fornication, abduction, sale/purchase of a woman) cannot be converted into another form of prosecution; each offence must be tried strictly within its own statutory definition and procedure.

Source: If prosecution is initiated before a court on a specific allegation, such as zina, rape, enticement of woman, fornication, abduction, selling or buying a woman, it cannot subsequently be converted into another form of prosecution for the purpose of convicting the accused. Each offence must be tried strictly within the framework of its own statutory definition and procedural requirements.

Authority: Section 5A, Offence of Zina (Enforcement of Hudood) Ordinance, 1979; ss.237 & 238 Cr.P.C.

Where there is significant delay in lodging the FIR, absence of corroborative medical, forensic or video evidence, co-accused has been granted bail and investigation is complete, the case becomes one of further inquiry and the accused is entitled to bail.

Source: the considerable delay in lodging the crime report, coupled with the absence of corroborative medical or video evidence, and the non-availability of incriminating material suggesting the complainant was sold or forcibly used as a prostitute, must be weighed carefully. Added to this is the fact that co-accused Ghulam Nazuk (alias Khani) has already been admitted to bail.

Authority: Muhammad Shakeel v The State (2025 SCMR 1952); Akhtar v Khawas Khan (2024 SCMR 476); Mazhar Ali v The State (2025 SCMR 318); Attaullah v The State (2024 SCMR 1210); Muhammad Aslam v The State (2023 SCMR 397); Muhammad Nawaz alias Karo v The State (2023 SCMR 734); Noor Kamal v The State (2023 SCMR 999); Muhammad Tanvir v The State (2017 SCMR 366); Haibat Khan v The State (2016 SCMR 2176)

OPERATIVE ORDER

Order: In view of what has been discussed above, the petition in hand is allowed and the petitioner is admitted to bail subject to furnishing bail bonds in the sum of Rs.500,000/- (five lacs) with one surety in the like amount to the satisfaction of the trial Court. Conclusion: Observations made hereinabove are tentative and shall have no bearing on the merits of the case during the actual trial. In case of misuse of the concession of bail or deliberate delay attributable to the petitioner in conclusion of trial, the learned trial Court shall be at liberty to proceed in accordance with law including cancellation of bail. Direction: Women, as an integral part of society, occupy an exalted position under the commands of Allah Almighty and in the sayings of the Holy Prophet Muhammad (peace be upon him). The Qur'an declares: "And they (women) have rights similar to those (of men) over them in kindness..." (Surah Al-Baqarah, 2:228). The Prophet Muhammad (peace be upon him) emphasized: "The best of you are those who are best to their wives." (Sunan al-Tirmidhi, Hadith 1162). These divine and prophetic injunctions underscore the duty of safeguarding women from harm and injustice. Therefore, before parting with this order, this Court feels compelled to observe that mere regulation of domestic violence through protection orders under the Punjab Protection of Women Against Violence Act, 2016, cannot suffice to alleviate the miseries of this vulnerable class of society. The gravity of spousal abuse demands that it be addressed through substantive penal legislation. It is imperative that the legislature consider enacting a specific offence of spousal abuse, either by insertion into the Pakistan Penal Code or through a distinct special law, so that such acts are not merely treated as civil wrongs but are recognized and punished as criminal offences. Only then can the dignity, honor, and protection of women, as commanded by Allah Almighty and exemplified by the Prophet Muhammad (peace be upon him), be truly safeguarded.

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RECALL OF WITHDRAWAL ORDER BY STRANGER; EX DEBITO JUSTITIAE

Ghulam Jillani v. Additional District Judge, etc.

APPLICATIONS ALLOWED; IMPUGNED ORDER RECALLED; PETITION RESTORED

W.P. No.14078 of 2018 | 2026 LHC 3424 · Bench: Muzamil Akhtar Shabir, J. · Decided: 04.06.2026 · Uploaded: 10.06.2026

FACTS

The petitioner had filed W.P. No.14078 of 2018 challenging the dismissal of his application against alleged tampering of his witness's cross-examination in a declaration suit at Kot Addu. On 09.10.2018 the High Court restrained announcement of final judgment in the suit. On 01.11.2021 C.M. No.8438 of 2018, purportedly seeking withdrawal of W.P. No.14078 of 2018, was allowed and the petition dismissed as withdrawn. The C.M. was in fact filed by one Muhammad Niaz, petitioner of a separate W.P. No.14074 of 2018, whose counsel had inadvertently mentioned the petitioner's case number; the affidavit and title attached to the application were those of Muhammad Niaz. W.P. No.14074 of 2018 was independently withdrawn on 16.02.2026. On 19.05.2026 the petitioner learnt of the withdrawal of his petition and on 03.06.2026 moved C.M. No.4315 of 2026 (under section 151 CPC) to recall the order and C.M. No.4316 of 2026 (under section 5 Limitation Act) to condone the delay. The Senior Additional Registrar confirmed the mix-up was inadvertent and not mala fide.

LEGAL ISSUE

Whether an order dismissing a constitution petition as withdrawn, passed on an application filed by a stranger to the proceedings through an unauthorized counsel due to inadvertent quoting of the wrong case number, is void ab-initio and liable to be recalled by the High Court ex debito justitiae, and whether limitation runs against such a void order or whether the application for recall, filed shortly after knowledge, is within time.

HOLDING

The Court held that the impugned order dated 01.11.2021 was patently void and illegal because Order XXIII Rule 1 CPC permits only a party to withdraw its claim and a stranger cannot withdraw another's proceedings; the application of Muhammad Niaz, by mistake attached to the petitioner's file and allowed without the petitioner's authorization, rebutted the presumption of correctness of judicial proceedings under Article 129 Illustration (e) Qanun-e-Shahadat Order, 1984. Acts of the Court or its officials must not prejudice a litigant, and the Court was bound ex debito justitiae to rectify the mistake. Limitation does not run against a void

order; in any event time would run from the date of knowledge (19.05.2026), and the applications filed on 03.06.2026 were within time. Both C.M. No.4315 of 2026 and C.M. No.4316 of 2026 were allowed, the order dated 01.11.2021 was recalled, and the main constitution petition was restored to its original number and status for early hearing after notice.

LEGAL SIGNIFICANCE

The judgment consolidates the principles that (i) only a party can withdraw its own proceedings under Order XXIII Rule 1 CPC and a stranger's withdrawal is void ab-initio; (ii) the High Court has an inherent power ex debito justitiae to recall its own orders to rectify oversights and mistakes attributable to the Court or its office; (iii) the presumption of regularity under Article 129 Illustration (e) Qanun-e-Shahadat Order, 1984 is rebuttable; (iv) limitation does not run against an order that is void or a nullity, and where applicable, runs from the date of knowledge; and (v) procedural technicalities must not defeat substantive rights, especially in light of Article 10-A of the Constitution. It is a useful precedent for restoration of constitution petitions inadvertently dismissed due to clerical confusion in court files.

LEGAL PROPOSITIONS (VERBATIM)

— *Where a party cannot be allowed to withdraw a suit or claim if it adversely affects rights of a third party, as a necessary corollary, a stranger to the proceedings cannot be allowed to withdraw the petition filed by another party as he had no locus standi, right or authority to represent interest of the said party and withdrawal of proceedings by an unauthorized person would be liable to be declared as void ab-initio.*

— *Court is under an obligation to reverse the wrong done to a party by the act of Court which is an elementary doctrine and tenet to the system of administration of justice.*

— *It is by now settled that limitation does not run against a void order, because an order that has no legal existence cannot trigger the period of limitation.*

— *where the order of dismissal of a case, either for non-prosecution or withdrawal by unauthorized person was not legally sustainable, question of limitation has to be liberally construed for the purpose of restoration of the same and the inference is required to be drawn in favour of the party that has been adversely affected without any fault on its part.*

LEGAL PRINCIPLES EXPOUNDED

Only a party to the proceedings may withdraw its suit or claim under Order XXIII Rule 1 CPC; a stranger has no locus standi to withdraw another party's proceedings and such withdrawal is void ab-initio.

Source: *only a plaintiff i.e. party to the suit or proceedings can withdraw its suit or claim and a stranger to the proceedings does not figure anywhere in the said provision to allow him to withdraw the suit or claim of a party to the proceedings.*

Authority: *Order XXIII Rule 1 CPC; Haji Muhammad Boota v. Member (Revenue) (PLD 2003 SC 979); Amjad Rashid Khan Malik v. Mrs. Shahida Naeem Malik (1992 SCMR 485)*

The presumption of correctness attached to judicial proceedings is rebuttable by strong and unimpeachable evidence.

Source: *It is settled that under Article 129 Illustration (e) of Qanun-e-Shahadat Order, 1984 presumption of correctness was attached to judicial proceedings but the same presumption was rebuttable and strong and unimpeachable evidence was required to rebut such presumption.*

Authority: *Article 129 Illustration (e) Qanun-e-Shahadat Order, 1984; Muhammad Sharif v. MCB Bank Limited (2021 SCMR 1158); Fayyaz Hussain v. Akbar Hussain (2004 SCMR 964)*

An act of the Court or its officials must not prejudice a litigant, and the Court is bound ex debito justitiae to rectify its own oversights and mistakes.

Source: *no person or party could be allowed to suffer for the act or omission or neglect of the Court or its officials.*

Authority: *Abdul Qudoos v. Commandant Frontier Constabulary (2023 SCMR 334); Homoeo Dr. Asma Noreen Syed v. Government of the Punjab (2022 SCMR 1546); Government of the Punjab v. Abdur Rehman (2022 SCMR 25)*

Limitation does not run against a void order; where applicable, time runs from the date of knowledge.

Source: *even if it be assumed that in the present case the question of limitation was important for filing an application for challenging the impugned void order of withdrawal of writ petition as the said order may have resulted in*

consequences, the limitation, if any applicable to such a particular case, would run from the date of knowledge

Authority: Qazi Munir Ahmad v. Rawalpindi Medical College (2019 SCMR 648); Muhammad Sharif v. MCB Bank Limited (2021 SCMR 1158); Haji Wajdad v. Provincial Government (2020 SCMR 2046); Abdul Hayee v. Muhammad Yousaf (PLD 2026 Balochistan 43)

Procedure is the handmaid of justice; cases must be decided on merits and not on technicalities, and audi alteram partem under Article 10-A of the Constitution must be observed.

Source: proper place of procedure in any system of administration of justice is to help the masses not to frustrate the grant of rights of the people, thus all technicalities should have been avoided unless it is essential to comply with them on ground of public policy.

Authority: Article 10-A, Constitution of Pakistan, 1973

OPERATIVE ORDER

In view of what has been discussed above coupled with the claim of the applicant that he approached the court immediately after attaining knowledge of withdrawal of his petition by a stranger, both the aforementioned applications, which are supported by affidavits, are allowed with the result that the delay in filing the application for recall of order is condoned and by recalling the order dated 01.11.2021, the main constitution petition is restored to its original number and status, which shall be listed for hearing after notice to the other side for an early date.

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SANCTION OF SCHEME OF ARRANGEMENT UNDER COMPANIES ACT 2017

M/s Alliance Sugar Mills Ltd. & M/s RYK Mills Ltd. v. The Registrar of Companies, SECP

APPLICATION ALLOWED; SCHEME OF ARRANGEMENT SANCTIONED

C.O. (Commercial) No.74937 of 2025 | 2026 LHC 3403 · Bench: Hassan Nawaz Makhdoom, J. · Decided: Date of Hearing 20.05.2026; Announced/dictated on 20.05.2026 and signed on 09.06.2026 · Uploaded: 09.06.2026

FACTS

M/s Alliance Sugar Mills Limited and M/s RYK Mills Limited filed a joint application under sections 279 to 284 read with section 285 of the Companies Act, 2017 (read with SRO No.840(I)/2017 dated 24.08.2017) seeking sanction of a Scheme of Arrangement/Reconstruction inter se. By order dated 16.12.2025 the Court initiated the statutory process, directed convening of EOGMs of the shareholders under appointed Chairpersons and required publication of notices and notices to SECP, CCP and other stakeholders. The shareholders' meetings unanimously approved the Scheme and the secured creditors (including United Bank Limited) furnished No Objection Certificates. No objection was received from any creditor, shareholder, stakeholder or member of the public. The SECP filed reply, sur-rejoinder and appeared through counsel raising concerns regarding accounting treatment, disclosure, valuation, inter-company loans/capital contributions and section 199 of the Act, and referred to alleged pending law-enforcement proceedings. FIA reported that FIR No.23/2022 had been quashed by the High Court on 03.10.2022 and no inquiry was pending; the NAB Special Prosecutor stated no reference or inquiry was pending against the applicant companies.

LEGAL ISSUE

Whether the proposed Scheme of Arrangement/Reconstruction between the applicant companies merits sanction by the Company Court under sections 279 to 284 read with section 285 of the Companies Act, 2017, in the face of objections raised by SECP regarding accounting treatment, valuation, inter-corporate transactions and section 199 of the Act, and whether the concurrent regulatory jurisdiction of SECP, or the asserted pendency of law-enforcement proceedings, constitutes a legal impediment to the exercise of the Company Court's sanctioning jurisdiction.

HOLDING

The Court sanctioned the Scheme of Arrangement/Reconstruction (Mark-A) at pages 249-255 under sections 279 to 282 read with section 285 of the Companies Act, 2017. It held that the statutory and procedural prerequisites stood fulfilled, the shareholders had unanimously approved the Scheme and the secured

creditors had furnished NOCs, no opposition had been received despite due publication, and FIA and NAB had confirmed no pending proceedings against the applicants (FIR No.23/2022 having been quashed on 03.10.2022). The supervisory jurisdiction of the Company Court is not appellate over the informed commercial wisdom of stakeholders, save where the Scheme is ex facie unlawful, fraudulent, mala fide, oppressive or contrary to public policy. SECP's concurrent regulatory jurisdiction was preserved; sanction did not confer immunity from regulatory oversight or statutory compliance. The Scheme, being a bona fide corporate reorganization preserving the separate juristic identity of both companies, was fair, reasonable and legally sustainable. The applicants were directed to deliver a certified copy to the Registrar of Companies in terms of section 282 of the Act.

LEGAL SIGNIFICANCE

The judgment consolidates the modern Pakistani Company Court doctrine on sanction of schemes of arrangement under sections 279-285 of the Companies Act, 2017: the Court acts as an umpire, not an appellate forum over the commercial wisdom of shareholders, creditors and directors; once statutory prerequisites (meetings, NOCs, publication) are satisfied and no manifest illegality, fraud, oppression or public-policy violation is shown, the Scheme will be sanctioned. It reaffirms that the concurrent regulatory jurisdiction of SECP under the Act and allied laws is not ousted by sanction, that sanction confers no immunity from accounting, taxation, disclosure or regulatory compliance, and that mere objections of SECP on accounting treatment, valuation or section 199 issues are not sufficient grounds to refuse sanction. It clarifies that a corporate reorganization which preserves the separate juristic existence of the applicant companies (no amalgamation, merger, dissolution or transfer of entire undertaking) remains within section 279-285 jurisdiction.

LEGAL PROPOSITIONS (VERBATIM)

— *The supervisory jurisdiction exercised by the Company Court is not intended to displace, substitute, or override the informed collective commercial wisdom of the shareholders, creditors, directors, and other stakeholders through judicial discretion, save and except where the proposed arrangement, on the face of the record, appears ex facie unlawful, fraudulent, mala fide, oppressive, unconscionable, or demonstrably contrary to public policy, national interest, or the governing legal framework.*

— *The existence of concurrent regulatory jurisdiction vested in the SECP does not, in itself, constitute a legal impediment to the exercise of jurisdiction by this Court for the purposes of sanctioning a Scheme of Arrangement.*

— *sanction of the proposed Scheme by this Court shall neither curtail, restrict, nor oust the jurisdiction vested in the SECP or any other competent statutory or regulatory authority to independently examine, regulate, investigate, or proceed in respect of any accounting, taxation, corporate, regulatory, or statutory matter strictly in accordance with law, if and when so required.*

— *a Company Court must exercise judicial restraint and confine its scrutiny to legality, procedural compliance, transparency, fairness, and protection against manifest prejudice, while refraining from reassessing the commercial wisdom, financial structuring, valuation methodology, or business expediency underlying the arrangement merely because an alternative commercial model may also be conceivable.*

LEGAL PRINCIPLES EXPOUNDED

The Company Court acts as an umpire, not as an appellate forum over the informed commercial decisions of shareholders, creditors and stakeholders.

Source: *the Company Court acts as an umpire and not as an appellate forum over the informed commercial decisions of stakeholders.*

Authority: *Dewan Salman Fibre Ltd. v. Dhan Fibres Ltd. (PLD 2001 Lahore 230)*

Valuation, consideration, restructuring, merger, de-merger and swap ratios fall within the domain of businessmen and shareholders and ordinarily ought not to be supplanted by judicial opinion.

Source: *matters relating to valuation, consideration, restructuring, merger, de-merger, and swap ratios substantially fall within the domain of businessmen and shareholders, whose commercial decisions ordinarily ought not to be supplanted by judicial opinion.*

Authority: *Gadoon Textile Mills Limited (2015 CLD 2010)*

Once stakeholders directly affected by the arrangement have consciously approved the Scheme and the requisite NOCs have been furnished, the arrangement is ordinarily presumed to be fair, reasonable and commercially acceptable.

Source: once the stakeholders directly affected by the arrangement have consciously approved the Scheme and the requisite No Objection Certificates stand furnished, the arrangement is ordinarily presumed to be fair, reasonable, and commercially acceptable.

Authority: Roomi Foods (Pvt.) Ltd. v. Joint Registrar of Companies (2020 CLD 900)

The Company Court's jurisdiction is supervisory and regulatory, confined to statutory safeguards, procedural regularity and fairness of process, and not appellate.

Source: the jurisdiction of the Company Court remains supervisory and regulatory rather than appellate forum, confined to ensuring compliance with statutory safeguards, procedural regularity, and fairness of process.

Authority: Presson-Descon International (Private) Limited v. Joint Registrar of Companies (PLD 2020 Lahore 869); SPI Insurance Company Limited (2023 CLD 1088); Fauji Fertilizer Company Limited v. SECP (2025 CLD 343)

Sanction of a Scheme of Arrangement does not confer immunity from regulatory oversight, statutory compliance or any lawful action permissible under the governing framework.

Source: The sanction sought to be accorded is confined to the Scheme under consideration and shall not be construed as conferring immunity from lawful regulatory oversight, statutory compliance of obligations, or any action otherwise permissible under the governing legal framework.

Authority: Sections 279-285, Companies Act, 2017

OPERATIVE ORDER

Consequently, the instant Application is allowed and the proposed Scheme of Arrangement/Reconstruction (Mark-A), already placed on record at pages 249 to 255, is hereby sanctioned under Sections 279 to 282 read with Section 285 of the Act, and shall form an integral part of this order. All transfers, vesting arrangements, adjustments, allotments, issuances, cancellations, restructurings, and all other ancillary or consequential acts and transactions contemplated under the Scheme shall take effect, operate, and be implemented strictly in accordance with the terms and conditions embodied therein and shall be valid, binding, and enforceable upon the applicant companies, their shareholders, creditors, and all other persons concerned. The applicants shall, however, remain under a continuing obligation to ensure strict compliance with all applicable statutory, corporate, accounting, taxation, disclosure, and regulatory requirements as may be attracted under the prevailing legal framework. The applicants shall further remain bound to comply with and give due effect to any lawful directions, conditions, observations, or regulatory requirements issued by the SECP or any other competent authority in accordance with law. In consequence thereof, it is further ordered that in terms of Section 282 of the Act, the Applicant/s shall cause the delivery of the certified copy of this order to the Registrar of Companies for compliance. This application along with allied C.Ms is disposed of accordingly.

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ACQUITTAL IN MURDER APPEAL; BENEFIT OF DOUBT**Muhammad Younas v. The State, etc. (Crl. Appeal No. 25629 of 2021) and Roshnai Bibi v. The State, etc. (Crl. Rev. No. 29272 of 2021)****APPEAL ACCEPTED, ACQUITTAL ORDERED; REVISION DISMISSED**

Crl. Appeal No. 25629 of 2021 & Crl. Rev. No. 29272 of 2021 | 2026 LHC 3384 · Bench: Aalia Neelum, C.J. · Decided: Date of hearing 11.05.2026; judgment dictated and pronounced on 11.05.2026 and signed after completion on 02.06.2026 · Uploaded: 09-06-2026

FACTS

An FIR No.468 of 2014 dated 02.08.2014 under sections 302/34 PPC was registered at PS Basirpur, District Okara on the written application of Roshnai Bibi (PW-1) alleging that on 01.08.2014 in the afternoon, while she and her husband Haji Muhammad Siddique were at their four-kanal agricultural land in Sultan Nagar, the appellant Muhammad Younas inflicted 'dang' blows on her husband and on her, while co-accused Chirag (since dead) used a kassi. Haji Muhammad Siddique was shifted to RHC Basirpur and succumbed to injuries at 11 p.m. on 01.08.2014. The Additional Sessions Judge, Depalpur, by judgment dated 31.03.2021 convicted the appellant under section 302(b) PPC and sentenced him to imprisonment for life with Rs.4,00,000/- compensation under section 544-A Cr.P.C. The appellant filed criminal appeal; the complainant filed revision for enhancement.

LEGAL ISSUE

Whether the prosecution proved the charge under sections 302/34 PPC beyond reasonable doubt against the appellant in view of the inordinate delay of twelve hours and fifteen minutes in lodging the FIR, contradictions between ocular and documentary evidence, deliberate suppression by the complainant and PW-2 of the appellant's injuries received in the same occurrence, improvements over the case set up in Ex.PA and Ex.DC, delayed and inadequately explained recovery of the 'sota', and a 13-hour delay in postmortem; and whether the complainant's revision for enhancement of sentence was sustainable.

HOLDING

The Court held that the prosecution had not proved its case beyond reasonable doubt. The testimony of Roshnai Bibi (PW-1) and Muhammad Aslam (PW-2) was found unreliable due to dishonest improvements over Ex.PA and Ex.DC, contradiction with documentary evidence of police mediation of the injured to hospital, and concealment of the appellant's injuries (head injury with bone exposed and a fractured arm) received in the same occurrence. The unexplained twelve-hour-and-fifteen-minute delay in FIR registration, 13-hour delay in postmortem, omission of FIR particulars and eyewitness names from the inquest report (Ex.PF/4), and the recovery of a non-bloodstained 'sota' on 09.09.2014 (39 days after the occurrence) from an unspecified address further dented the prosecution case. Motive too remained unproved as no documentary evidence about ownership of the four-kanal land was produced. The appellant was entitled to the benefit of doubt as a matter of right. Crl. Appeal No.25629 of 2021 was accepted in toto, conviction and sentence set aside, and the appellant ordered to be acquitted and released forthwith if not required in any other case. Crl. Rev. No. 29272 of 2021 for enhancement was dismissed as devoid of legal force.

LEGAL SIGNIFICANCE

The judgment reinforces several settled criminal-law principles in the Pakistani jurisdiction: documentary evidence prevails over inconsistent oral testimony; an injured witness is not necessarily a truthful witness merely because he bears injuries; deliberate and dishonest improvements destroy the credibility of a witness; an unexplained, inordinate delay in lodging the FIR (here 12 hours 15 minutes) opens the door to consultation and false implication; and recovery of an unblood-stained weapon long after the occurrence, from a place where it could easily have been disposed of, carries little evidentiary value. The case re-affirms that benefit of even a single reasonable doubt accrues to the accused as a matter of right, not grace, and that motive is a double-edged sword which, if unproved by documentary evidence in a land-dispute case, may equally support false implication.

LEGAL PROPOSITIONS (VERBATIM)

— Both the Courts were one in holding, and rightly so, that oral evidence which was contrary to the documentary evidence could not be given preference over the said documentary evidence.

— It is also a settled maxim when a witness improves his version to strengthen the prosecution case his improved statement subsequently made cannot be relied upon as the witness has improved his statement dishonestly, therefore, his credibility becomes doubtful on the well-known principle of criminal jurisprudence that improvements once found deliberate and dishonest cast serious doubt on the veracity of the such witness.

— -----Certainly, the presence of the injured witnesses cannot be doubted at place of incident, but the question is as to whether they are truthful witnesses or otherwise, because merely the injuries on the persons of P.Ws would not stamp them truthful witnesses.

— It is an axiomatic principle of law that in case of doubt, the benefit thereof must accrue in favour of the accused as matter of right and not of grace.

LEGAL PRINCIPLES EXPOUNDED**Documentary evidence prevails over contradictory oral testimony, and concealment of facts which are borne out by police records vitiates the prosecution version.**

Source: Humans may lie, but documents would not lie. It is often said that documents speak louder than words.

Authority: Sher Muhammad and others v. Muhammad Khalid and others (2004 SCMR 826)

Deliberate and dishonest improvements made by a witness to strengthen the prosecution case render his entire testimony unreliable.

Source: when a witness improves his version to strengthen the prosecution's case, his improved statement subsequently made cannot be relied upon, as the witness has improved his statement dishonestly; therefore, his credibility becomes doubtful on the well-known principle of criminal jurisprudence that improvement once found deliberate and dishonest casts serious doubt on the veracity of the witness.

Authority: Akthar Ali and others v. The State (2008 SCMR 6)

Mere injuries on a prosecution witness do not stamp him a truthful witness; the test remains the truthfulness, not the presence, of the witness at the scene.

Source: By now it is well settled that injured witness is not necessarily a truthful witness and he cannot be believed merely because he is having stamp of injuries on his body

Authority: Muhammad Hayat v. The State (1996 SCMR 1411); Ishtiaq Hussain v. The State (2021 SCMR 159); Muhammad Abras v. The State (2025 SCMR 1145); Fateh Khan v. The State (2025 SCMR 1408); Amin Ali v. The State (2011 SCMR 323); Muhammad Pervez v. The State (2007 SCMR 670)

Inordinate, unexplained delay in lodging FIR and in postmortem, taken with other infirmities, raises a strong presumption of deliberation, consultation, and possible false implication.

Source: There was an inordinate delay of twelve hours and fifteen minutes in lodging the FIR, and, in this way, the possibility of deliberations and consultations cannot be ruled out... There is no plausible explanation as to why the postmortem of the dead body was delayed for 13 hours.

Authority:

Delayed recovery of an unblood-stained weapon, capable of easy disposal, from premises of the accused after a long lapse is of no evidentiary value.

Source: it does not appeal to reason that the accused might have kept 'Sota' (P-1) with him intact in order to produce it before the Investigating Officer on his arrest. The appellant-accused cannot be expected to keep the 'Sota' (P-1) in his house for a long period when he could have easily disposed of the same.

Authority: Bashir Ahmed alias Mannu v. The State (NLR 1996 Criminal 234)

OPERATIVE ORDER

I, therefore, accept in toto Criminal Appeal No.25629 of 2021 filed by appellant, Muhammad Younis son of Charagh, as a result whereof conviction and sentence recorded by the learned trial court vide judgment dated 31.03.2021 is set aside and the appellant Muhammad Younis son of Charagh is ordered to be acquitted of the charge in case F.I.R. No.468 of 2014, dated 02.08.2014, offence under Sections 302/34 PPC, registered at Police Station Basirpur, District Okara. The appellant, Muhammad Younis, son of Charagh, is directed to be released forthwith, if not required in any other case. 15. So far as Criminal Revision No. 29272 of 2021 filed by the complainant for enhancement of the sentence of the appellant/respondent No.2, Muhammad Younis, son of Charagh, awarded by the trial court is concerned, for the reasons afore-stated, the same is devoid of any legal force, which is accordingly dismissed.

[■ View Full Judgment](#)**PCB ELECTIONS; WRIT MAINTAINABILITY AND ADJUDICATOR'S ORDER****Shakil Ahmed Sheikh v. Pakistan Cricket Board (PCB) through Chief Operating Officer (COO) Gaddafi Stadium, Lahore, etc.****WRIT PETITION ALLOWED; ADJUDICATOR'S ORDER SET ASIDE**

Writ Petition No.37823 of 2025 | 2026 LHC 3454 · Bench: Malik Javid Iqbal Wains, J. · Decided: Date of hearing 10.03.2026; judgment announced in Open Court on 10.03.2026 and signed after completion of file on 09.06.2026 · Uploaded: 10-06-2026

FACTS

The petitioner, claiming to be the elected President of the Regional Cricket Association (RCA), Islamabad, assailed (i) the order dated 27.05.2025 of the Independent Adjudicator, PCB, and (ii) the consequential letter dated 28.05.2025 of the Chief Operating Officer, PCB, restraining him from performing his functions. Upon repeal of the PCB Constitution, 2019 on 22.12.2022, the PCB Constitution, 2014 was restored and a Management Committee (of which the petitioner was a member) was constituted. Following scrutiny, elections of the Zonal Cricket Associations of Islamabad were held and concerned office bearers were declared elected unopposed by notifications dated 16.03.2023 and 17.03.2023; the petitioner was elected unopposed as President RCA, Islamabad through notification dated 24.03.2023. Various writ petitions before the Islamabad High Court were converted into representations and referred to the PCB Adjudicator by order dated 13.05.2024, leading to the impugned order.

LEGAL ISSUE

Two questions arose: (i) whether the constitutional petition was maintainable under Article 199 of the Constitution given the PCB's argument that its constitution and election regulations are non-statutory; and (ii) whether the proceedings before the Independent Adjudicator and the impugned order dated 27.05.2025 suffer from illegality, violation of due process and prescribed procedure, non-impleadment of necessary parties, lack of evidentiary basis, or absence of reasoning.

HOLDING

On maintainability, the Court overruled the preliminary objection, holding that the PCB Constitution 2014 published in the Extraordinary Gazette on 30.08.2014 and restored by S.R.O. dated 22.12.2022, and the Election Regulations 2015 framed under section 5 of the Sports (Development and Control) Ordinance 1962, possess statutory character; the PCB is a statutory body performing functions in connection with the affairs of the Federation, and constitutional jurisdiction under Article 199 is available even where service rules/regulations are non-statutory if a statutory authority acts arbitrarily; the PCB was also estopped from raising maintainability having consented to reference of the disputes to the Adjudicator by the Islamabad High Court. On merits, the Court found that the Adjudicator failed to decide the PCB's threshold objections of maintainability, jurisdiction, and non-joinder; ignored the binding direction of the Islamabad High Court to record evidence; recorded factual findings on voter-list manipulation, alteration of zones, and conflict of interest without recording evidence, requisitioning official PCB record, or impleading the elected office bearers whose vested rights were affected; treated alleged disobedience of an Islamabad High Court injunction as a ground despite lack of mandate; arbitrarily invalidated only Islamabad-zone elections while leaving Gilgit-Baltistan zonal election (also part of the Electoral College) intact; held the petitioner conflicted by Management Committee membership although no provision created such bar and two other MC members had similarly been elected unopposed without objection; and rendered the order without cogent reasons as required by clause 6 of the rules governing Adjudicator proceedings. The impugned judgment also offended Articles 4 and 10-A of the Constitution. The writ petition was allowed, the Adjudicator's judgment dated 27.05.2025 and the consequential letter dated 28.05.2025 set aside, and the voter list dated 09.03.2023 and election notifications dated 16.03.2023, 17.03.2023 and 24.03.2023 restored, with directions to the PCB to ensure that future scrutiny and voter lists are prepared strictly in accordance with the PCB's Rules,

Regulations and Electoral Framework.

LEGAL SIGNIFICANCE

The judgment is significant as a comprehensive reaffirmation that the Pakistan Cricket Board is a statutory body amenable to constitutional jurisdiction under Article 199, settling that the PCB Constitution 2014 and the Election Regulations 2015 carry statutory character by virtue of Gazette publication, federal-government approval, and their derivation from section 5 of the Sports (Development and Control) Ordinance 1962. It re-states that constitutional jurisdiction can be invoked against arbitrary acts of a statutory authority even where the underlying service rules are non-statutory. It is equally significant for outlining the procedural safeguards in quasi-judicial proceedings: necessary parties must be impleaded; preliminary objections going to the root must be decided at the threshold; reasoned orders are not optional but obligatory; binding directions of the superior courts (here to record evidence) cannot be dispensed with; and selective and discriminatory invalidation of an electoral process offends Articles 4 and 10-A. Concluded elections, once attaining finality, carry a presumption of sanctity and cannot be set aside on the basis of unverified assertions, summary proceedings, or findings recorded behind the back of affected office bearers.

LEGAL PROPOSITIONS (VERBATIM)

- *The principle laid down in the above-noted judgments clearly establishes that the constitutional jurisdiction under Article 199 of the Constitution may be invoked where the act of a statutory authority is violative of service rules or regulations, even if such regulations are non-statutory in nature.*
- *It is a settled principle of law that objections relating to maintainability, jurisdiction, and non-joinder of necessary parties strike at the very root of the proceedings and are required to be decided at the threshold before entering upon the merits of the controversy.*
- *Once an election attains finality, the same cannot be annulled or invalidated in a casual manner, particularly in absence of the elected office bearers being impleaded as necessary and proper parties to the proceedings.*
- *It is a settled principle that findings affecting electoral rights and the validity of concluded elections must be founded upon a transparent, structured, and legally sustainable process supported by cogent reasoning, proper appreciation of evidence, and uniform application of legal principles.*

LEGAL PRINCIPLES EXPOUNDED

The PCB Constitution 2014 and Election Regulations 2015, having been duly published in the official Gazette after federal-government approval and being made in pursuance of section 5 of the Sports (Development and Control) Ordinance 1962, possess statutory character, and the PCB is a statutory body for all intents and purposes.

Source: *the Pakistan Cricket Board performs functions in connection with the affairs of the Federation and derives its authority from statutory instruments. Consequently, the Pakistan Cricket Board is a statutory body for all intents and purposes.*

Authority: *Sports (Development and Control) Ordinance 1962 (XVI of 1962), ss.3, 4, 5; Al-Fatah Cricket Club v. Pakistan Cricket Board (2018 CLC 1427); Salahuddin v. Frontier Sugar Mills (PLD 1975 SC 244)*

Constitutional jurisdiction under Article 199 may be invoked against arbitrary or unlawful acts of a statutory authority even where the underlying service rules or regulations are non-statutory in nature.

Source: *the constitutional jurisdiction under Article 199 of the Constitution may be invoked where the act of a statutory authority is violative of service rules or regulations, even if such regulations are non-statutory in nature.*

Authority: *Muhammad Qutub-ud-Din v. Province of Sindh (Civil Appeal No.103-K/2024, Federal Constitutional Court); Pakistan Defence Officers' Housing Authority v. Lt. Col. Syed Jawaid Ahmed (2013 SCMR 1707); Muhammad Rafi v. Federation of Pakistan (2016 SCMR 2146)*

Preliminary objections regarding maintainability, jurisdiction, and non-joinder of necessary parties must be decided at the threshold before adjudication on merits; failure renders any merits adjudication unsustainable.

Source: *The failure of the learned Independent Adjudicator to first determine these foundational objections has rendered the entire exercise legally flawed and procedurally irregular.*

Authority:

Persons whose vested rights are directly affected are necessary parties; orders passed behind their back, without impleadment and opportunity of hearing, are void ab initio and violate Articles 4 and 10-A of the Constitution.

Source: Any adjudication adversely affecting their vested rights, status, and legal interests, without affording them an opportunity of hearing, is patently violative of the settled principles of natural justice, particularly the rule of *audi alteram partem*.

Authority: *Miangul Aurangzeb v. Mst. Bakht Zeba* (PLJ 2017 Peshawar 123); *Mst. Karim Bibi v. Deputy Commissioner/Collector, Rahim Yar Khan* (1999 SCMR 2774)

Quasi-judicial orders must contain cogent, intelligible, and legally sustainable reasons; an order devoid of reasons is treated as an arbitrary exercise of authority and cannot sustain judicial scrutiny.

Source: Recording of reasons is not a mere formality, rather, it constitutes an essential component of lawful adjudication, transparency, fairness, and judicial accountability.

Authority: Clause 6 of PCB Adjudicator proceedings rules; *Muhammad Siddique Baloch v. Jehangir Khan Tareen* (PLD 2016 SC 97)

OPERATIVE ORDER

77. For the foregoing reasons, the instant Constitutional Petition is hereby allowed. Consequently, the judgment dated 27.05.2025 passed by the learned Independent Adjudicator, Pakistan Cricket Board (PCB), being devoid of lawful reasoning and suffering from material legal and procedural infirmities, is hereby set aside. 78. As a necessary consequence thereof, the consequential/implementing letter dated 28.05.2025 issued by respondent No.1 is also declared to be without lawful authority and is hereby set aside. 79. Resultantly, the voter list dated 09.03.2023 is restored, along with the election notifications dated 16.03.2023 and 17.03.2023 relating to the office bearers of the respective Zonal Cricket Associations, as well as the notification dated 24.03.2023 pertaining to the election of the Regional Cricket Association Islamabad. The elections conducted pursuant thereto shall hold the field in accordance with law. 80. However, the Pakistan Cricket Board (PCB) is directed to ensure that, prior to the conduct of future elections, the process of scrutiny, preparation of voter lists, and determination of club status and voter eligibility is undertaken strictly in accordance with the applicable Rules, Regulations, and Electoral Framework of the PCB, so as to ensure transparency, fairness, and avoidance of future disputes.

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