



MANDVIWALLA & ZAFAR
ADVOCATES

CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Thursday, 20 August 2026

Upload Window: 18, 19 & 20 August 2026

SC: 5 judgments | LHC: 3 judgments | SHC: 2 judgments | FCC/IHC: no new entries

5

SC

3

LHC

2

SHC

10

TOTAL

TABLE OF CONTENTS

Supreme Court of Pakistan

Mashal Azam v. Ghafoor Anjum, Superintendent Central Jail, Adyala, tehsil and district Rawalpindi and others; Salman Akram Raja v. Capt. (Retd) Muhammad Khurram Agha and others; Uzma Khan and Imran Ahmad Khan Niazi v. District Election Commissioner, Islamabad and another —

Constitution of Pakistan 1973 Arts. 9, 204; Contempt of Court Ordinance 2003 (as referred to in the order, 'Contempt of Court Ordinance, 2023') ss. 3 & 4

Muhammad Iftikhar Shoukat v. Haji Muhammad Hayat (deceased) through LRs and others — Code of Civil Procedure 1908 s.115; Constitution of Pakistan 1973 Art.185(3)

Muhammad Hussain v. The State — Control of Narcotic Substances Act 1997 s.9(c); Code of Criminal Procedure 1898 ss.173, 382-B

Nadeem v. The State — Pakistan Penal Code 1860 s.302(b); Code of Criminal Procedure 1898 ss.164, 342, 382-B

Faheem alias Babbly v. The State; Rana Muhammad Afzaal v. Faheem alias Babbly and the State — Pakistan Penal Code 1860 ss.302(b), 302(c), 337-F(ii); Code of Criminal Procedure 1898 ss.382-B, 544-A

Lahore High Court

Shafique Khushnood v. Medical Superintendent, Lahore General Hospital Lahore and two others — Punjab Employees Efficiency, Discipline and Accountability Act 2006 ss.4, 5(1)(a), 7(b), 10; Constitution of Pakistan 1973 Arts. 4, 10A, 199

Muhammad Akhtar and another v. The State and another — Pakistan Penal Code 1860 ss.409, 420, 109; Code of Criminal Procedure 1898 s.497(2) and Schedule II

Masood Aslam v. The State, etc. — Code of Criminal Procedure 1898 s.497(5); Pakistan Penal Code 1860 s.406

Sindh High Court

Air Vice Marshal Muhammad Afzal v. Sqdn. Ldr. (R) K.A. Chaudhry and 4 others — Limitation Act 1908 Arts. 91, 120, 142; Qanun-e-Shahadat Order 1984 Arts. 90-92, 126, 129(e); Registration Act 1908 s.17; Pakistan Defence Officers Housing Authority Order 1980

Muhammad Tasleem Rajput v. Province of Sindh and others — Board of Revenue Act 1957 s.8; Sindh Land Revenue Act 1967 s.161; Constitution of Pakistan 1973 Art.199

Exclusions and coverage notes: fourteen candidates were identified across the upload window of 18, 19 and 20 August 2026 (seven Supreme Court, three Lahore High Court and four Sindh High Court); ten were curated for reporting. (a) Jail Petition No. 73 of 2020 (Abdul Razzaq v. The State) and Jail Petition No. 21 of 2020 (Muhammad Nadeem alias Babloo and Tanveer alias Suleman v. The State) were extracted in full and read. Both were decided on 11.08.2026 at Lahore by the same three-member bench (Kakar, Panhwar and Ishtiaq Ibrahim, JJ) as Jail Petition No. 326 of 2021, and all three turn wholly on the appreciation of evidence in individual criminal appeals. Jail Petition No. 326 of 2021 has been carried as the lead of that group because it alone articulates a proposition of general application on the boundary between sections 302(b) and 302(c) PPC. J.P. 73/2020 is a straightforward benefit-of-doubt acquittal on the rule of consistency where the same ocular account had already been disbelieved as to acquitted co-accused, and J.P. 21/2020 partly allows an appeal on the individual role attributed to each accused; neither adds a reportable proposition beyond settled law. (b) CrI. Misc. No. 46375-CB of 2026 (Masood Aslam v. The State), CrI. Misc. No. 5827-B of 2026 and W.P. No. 6323 of 2026 were all retained from the Lahore High Court. (c) Const. P. No. 2516 of 2025 (Syed Naeem Hussain Shah v. Province of Sindh, 2026 SHC KHI 1557) was extracted in full but excluded: it is a service matter dismissed on laches and on the settled rule that a candidate who fails a prescribed stage acquires no vested right to appointment, resting entirely on established Supreme Court authority (Asif Hassan, Arshad Ali Tabassum, Muhammad Ashraf Sangri, Jawad Mir Muhammad and Chairman PCSIR), and its service-law content overlaps with the PEEDA judgment carried at 2026 LHC 5289. (d) Const. P. No. 5169 of 2026 (Mrs. Fozia Almas v. Province of Sindh, 2026 SHC KHI 1556) was extracted but excluded as a two-page in limine dismissal declining constitutional jurisdiction because of an adequate statutory remedy under the land revenue hierarchy and disputed questions of fact; it states no new proposition. (e) No PDF in this window was an image-only scan:

all fourteen files yielded extractable text, the smallest being 2,667 characters. (f) The Federal Constitutional Court uploaded nothing new in the window, its most recent upload of 17 August 2026 having been covered in the issue of that date; the Islamabad High Court search returned no results for the window.

Supreme Court of Pakistan

5 judgments

CONSTITUTION OF PAKISTAN 1973 ARTS. 9, 204; CONTEMPT OF COURT ORDINANCE 2003 (AS REFERRED TO IN THE ORDER, 'CONTEMPT OF COURT ORDINANCE, 2023') SS. 3 & 4 — A JUDICIAL ORDER DROPPING CONTEMPT PROCEEDINGS WITHOUT REASONS OFFENDS THE FAIR TRIAL GUARANTEE, AND THE STATE'S OBLIGATION TO SAFEGUARD THE LIFE, HEALTH AND DIGNITY OF PERSONS IN CUSTODY ENTITLES A PRISONER TO FULL DISCLOSURE OF, AND PROPER ARRANGEMENTS FOR, HIS MEDICAL TREATMENT

Mashal Azam v. Ghafoor Anjum, Superintendent Central Jail, Adyala, tehsil and district Rawalpindi and others; Salman Akram Raja v. Capt. (Retd) Muhammad Khurram Agha and others; Uzma Khan and Imran Ahmad Khan Niazi v. District Election Commissioner, Islamabad and another

NOTICE ISSUED IN THE CONTEMPT APPEALS; INTERIM DIRECTIONS ISSUED IN THE MEDICAL-TREATMENT PETITION; MATTER TREATED AS PART-HEARD AND FIXED FOR 16.09.2026; NOT APPROVED FOR REPORTING

Crl.A. No. 400/2025, Crl.A. No. 17/2026, Crl.M.A. No. 1696/2026 in Crl.P.L.A. No. Nil/2026, Crl.P.L.A. No. 1370/2026 and Crl.P.L.A. No. 1501/2023 (against orders of the Islamabad High Court dated 11.12.2023, 24.03.2025 and 12.03.2026) · Bench: Justice Shahid Waheed (authoring the order of the Court); Justice Naeem Akhter Afghan; Justice Ishtiaq Ibrahim · Decided: Heard and decided 18.08.2026 at Islamabad · Uploaded: 18.08.2026

FACTS

Five interconnected criminal matters were taken up together. Crl.P.L.A. No. 1501 of 2023 arose from the Islamabad High Court's refusal on 11.12.2023 to suspend the sentence awarded by the trial Court on 05.08.2023; counsel being on general adjournment until 21.08.2026, that matter was adjourned. Criminal Appeals Nos. 400 of 2025 and 17 of 2026 arose out of contempt proceedings initiated under Article 204 of the Constitution read with sections 3 and 4 of the Contempt of Court Ordinance, the grievance being that the respondents had violated an undertaking furnished before the Islamabad High Court and the directions contained in the order dated 06.09.2024 passed in Writ Petition No. 2595 of 2024. The Islamabad High Court disposed of the contempt petitions on 24.03.2025, dropping the contempt proceedings in a single paragraph on the footing that the connected writ petitions were being disposed of by consent. The remaining matter, Crl.P.L.A. No. 1370 of 2026, arose from the dismissal on 12.03.2026 of C.M. No. 4 of 2026, by which the prisoner Imran Ahmad Khan Niazi had sought to be shifted to Shifa International Hospital, Islamabad for treatment of his eyes, access to his personal physicians Dr. Faisal Sultan and Dr. Asim Yousaf, information to and access for his family, and copies of his medical reports for his lawyers. Before the Supreme Court the Advocate General relied on a report filed by the Superintendent, Central Jail, Rawalpindi through Crl.M.A. No. 2015 of 2026 as demonstrating that medical information had been furnished.

LEGAL ISSUE

First, whether an order of a High Court dropping contempt proceedings without recording any reason for doing so can be sustained. Secondly, whether, and on what terms, the Court should direct disclosure of a prisoner's medical record and make arrangements for his medical examination and treatment outside the prison, pending determination of the maintainability of the petition.

HOLDING

On the contempt appeals the Court found *prima facie* force in the contention that the Islamabad High Court had neither adverted to the violations specifically alleged nor recorded any finding upon them. The impugned order recorded no reason which persuaded that Court to drop the contempt proceedings; that failure was held to run contrary to the requirement of a fair trial and to offend the principles of natural justice, the Court observing that the law promotes and requires a culture of justification under which judicial orders must disclose the reasons forming the basis of the decision. Notice was accordingly issued to all respondents, who were directed to file written explanations and to appear in person. On the medical petition, the Court declined to accept that the synopsis of ailments and treatment filed by the jail Superintendent discharged the respondents' obligation, and recorded the Advocate General's candid concession that no provision of law restricted the Government from furnishing the medical test reports, prescriptions, examination reports,

treatment details and doctors' opinions to the prisoner and his family. Being mindful of the constitutional and legal obligation of the State, and consequently of the Court, to safeguard the life, health, dignity and security of persons in custody, and of the principle that a prisoner does not by reason of incarceration cease to be entitled to humane treatment and necessary medical care, the Court made interim arrangements without prejudice to the objection to maintainability, which was reserved for the next hearing.

LEGAL SIGNIFICANCE

The order is a compact statement of two propositions of general application. First, it applies the 'culture of justification' to contempt jurisdiction: an order dropping contempt proceedings is a judicial determination and must be supported by reasons addressing the violations alleged; a bare recital that the substantive petitions have been compromised will not do. Secondly, it treats the medical record of a prisoner as information to which he and his family are entitled in the absence of any statutory bar, and situates the right to adequate medical care in custody within the State's obligation to safeguard life, health, dignity and security. Practitioners should note that the interim directions were accompanied by reciprocal conditions — no public gatherings at the hospital, no use of the medical information for political gain, costs borne by the family, and liberty to either side to move the Court — indicating that relief of this nature will be moulded and conditional rather than absolute.

LEGAL PROPOSITIONS (VERBATIM)

- *The failure to record reasons not only runs contrary to the requirement of a fair trial but also offends the principles of natural justice.*
- *The law promotes and requires a culture of justification; whereby judicial orders must disclose the reasons forming the basis of the decision.*
- *The learned Advocate General candidly conceded that there was no such provision of law restricting the Government from furnishing the aforesaid information.*

LEGAL PRINCIPLES EXPOUNDED

A court which drops contempt proceedings must record the reasons which persuaded it to do so; an order silent as to reasons is contrary to the requirement of a fair trial and offends natural justice.

Source: *The failure to record reasons not only runs contrary to the requirement of a fair trial but also offends the principles of natural justice.*

Authority: Article 204, Constitution of the Islamic Republic of Pakistan, 1973; sections 3 and 4, Contempt of Court Ordinance

Judicial decision-making is governed by a culture of justification: the order itself must disclose the reasoning on which it rests.

Source: *The law promotes and requires a culture of justification; whereby judicial orders must disclose the reasons forming the basis of the decision.*

Authority: Article 10A, Constitution of the Islamic Republic of Pakistan, 1973 (fair trial and due process)

The State, and consequently the Court, are under a constitutional and legal obligation to safeguard the life, health, dignity and security of persons in custody, incarceration not extinguishing the entitlement to humane treatment and necessary medical care.

Source: *We are mindful of the constitutional and legal obligation of the State, and consequently of the Court, to safeguard the life, health, dignity and security of persons in custody.*

Authority: Article 9, Constitution of the Islamic Republic of Pakistan, 1973

OPERATIVE ORDER

CrI.P.L.A. No. 1501 of 2023 was adjourned. In Criminal Appeals Nos. 400 of 2025 and 17 of 2026 notice was issued to all respondents, who were directed to submit written explanations and appear in person on the next date. In CrI.P.L.A. No. 1370 of 2026 the Court, as an interim arrangement and without prejudice to the objection to maintainability, directed that the complete medical record of the prisoner from the date of arrest be placed before the Court; that details of all meetings held in the preceding three months with family members and lawyers, and complete details of all cases in which he is accused, arrested, facing trial or convicted, be furnished; that the prisoner be shifted within two days to Shifa International Hospital, Islamabad; that a medical board comprising a physician, a

general surgeon, a specialist in internal medicine, an eye specialist and a cardiologist be constituted; that Dr. Faisal Sultan and Dr. Uzma Khan remain associated with his examination and treatment; that expenses be borne by the prisoner or his family; that his health condition and medical reports not be shared with the media or the public until the next hearing; that meetings with family be facilitated once a week and telephone contact with his sons twice a week. Further directions barred public gatherings at the hospital premises and the use of his medical information for political gain, provided for withdrawal of the facilities on non-compliance, gave liberty to either side to move the Court, and required adequate security arrangements. The matter was treated as part-heard and directed to be fixed for 16.09.2026.

■ [View Full Judgment](#)

CODE OF CIVIL PROCEDURE 1908 S.115; CONSTITUTION OF PAKISTAN 1973 ART.185(3) — REVISIONAL JURISDICTION IS SUPERVISORY AND LIMITED, AND REMANDED PROCEEDINGS MUST BE CONCLUDED WITHIN THE TIME FIXED BY THE REMANDING COURT OR WITHIN A REASONABLE TIME, MERE PENDENCY OF A HIGHER-COURT PROCEEDING BEING NO SUBSTITUTE FOR A STAY ORDER

Muhammad Iftikhar Shoukat v. Haji Muhammad Hayat (deceased) through LRs and others

PETITION DISMISSED WITH DIRECTIONS TO THE TRIAL COURT; COPY DIRECTED TO BE CIRCULATED TO ALL HIGH COURTS; APPROVED FOR REPORTING

Civil Petition No. 624 of 2023 (against the order dated 15.12.2022 of the Lahore High Court, Multan Bench, Multan passed in Civil Revision No. 140/2019) · Bench: Justice Yahya Afridi, Chief Justice (authoring the order of the Court); Justice Jamal Khan Mandokhail · Decided: Heard and decided 10.08.2026 at Islamabad · Uploaded: 18.08.2026

FACTS

The trial Court dismissed the respondent's suit for non-production of evidence within approximately two months and ten days of its institution, notwithstanding the intervening summer vacations. The appellate Court set aside that judgment and remanded the suit with a direction to afford the respondent one fair opportunity to produce his evidence, observing that matters ought so far as possible to be decided on their merits. The petitioner's civil revision against the remand order was dismissed by the Lahore High Court, Multan Bench, on 15.12.2022, that Court finding no jurisdictional defect or material irregularity in the exercise of discretion by the appellate Court. In the leave petition the Supreme Court called for a status report on the remanded proceedings. The report of the Duty Civil Judge, 1st Class, Lodhran disclosed that the suit was still pending before the Senior Civil Judge (Civil Division), Lodhran, fixed for arguments on applications for framing of additional issues on the amended plaint and for framing of issues on preliminary objections, with a last opportunity for 16.09.2026 — approximately eight years after the remand order and almost four years after it was upheld by the High Court. Nothing on the record showed that the trial Court had been restrained by any order of a competent Court.

LEGAL ISSUE

Whether the High Court, in its revisional jurisdiction under section 115 CPC, was right to decline interference with a discretionary order of remand; and what directions are required where remanded proceedings remain unconcluded for years in the absence of any stay order.

HOLDING

The Court held that the revisional jurisdiction of a High Court under section 115 CPC is supervisory and limited and is not intended to substitute the High Court's own view for that of the subordinate Court merely because another view is possible; interference is warranted only where the subordinate Court exercised a jurisdiction not vested in it, failed to exercise a jurisdiction so vested, or acted illegally or with material irregularity. The appellate Court having exercised its jurisdiction on a consideration of the circumstances of the dismissal and in the interest of a decision on merits, the High Court rightly declined to interfere. The jurisdiction of the Supreme Court under Article 185(3) is likewise not an ordinary appellate jurisdiction, and interference in a leave petition is warranted only where the impugned order suffers from a patent error of law or jurisdiction, is based on misreading or non-reading of material evidence, proceeds on an erroneous legal

principle, or otherwise occasions a substantial miscarriage of justice. On delay, the Court held that a stay order is a judicial restraint on the progress of proceedings and that the mere pendency of proceedings before a higher Court does not, in the absence of an express stay order, justify withholding or delaying proceedings before the trial Court; prolonged pendency of approximately eight years without any apparent judicial restraint was plainly excessive and had in practical terms kept the proceedings in abeyance without any judicial order to that effect. The Court emphasised that a Court to which a matter is remanded must not treat the proceedings as a fresh case but must proceed in accordance with the terms and scope of the remand order and conclude them within the time prescribed or, absent prescription, within a reasonable time and without unnecessary adjournments.

LEGAL SIGNIFICANCE

This is a reportable statement, from the Chief Justice, of two related disciplines. On revision, it restates the narrow compass of section 115 CPC and the still narrower compass of Article 185(3), confirming that a discretionary remand designed to secure a decision on merits will rarely be disturbed. Of wider practical importance is the direction on remanded cases: the judgment identifies the phenomenon of remand orders becoming a source of prolonged pendency and lays down that in the absence of a stay order the trial Court is under a duty to proceed. The direction that a copy be circulated to the Registrars of all High Courts for placement before the respective Chief Justices, for issuance of appropriate directions to the courts below for expeditious disposal of remanded cases, gives the ruling the character of a general administrative direction that practitioners can invoke to move stalled remanded matters.

LEGAL PROPOSITIONS (VERBATIM)

- *The jurisdiction of the High Court under section 115 of the Code of Civil Procedure, 1908, is supervisory and limited.*
- *The mere pendency of proceedings before a higher Court concerning the matter does not, in the absence of an express stay order, justify withholding or delaying proceedings before the Trial Court seized of the matter.*
- *It is essential that remanded cases are concluded expeditiously so that remand orders do not become a source of unnecessary prolongation or further pendency of litigation.*

LEGAL PRINCIPLES EXPOUNDED

Revisional jurisdiction under section 115 CPC is supervisory and limited; a High Court may not substitute its own view for that of the subordinate Court merely because another view is possible, and may interfere only for jurisdictional error, illegality or material irregularity.

Source: *The jurisdiction of the High Court under section 115 of the Code of Civil Procedure, 1908, is supervisory and limited. It is not intended to substitute the High Court's own view for that of the subordinate Court merely because another view may be possible.*

Authority: *Section 115, Code of Civil Procedure, 1908*

Leave jurisdiction under Article 185(3) is not an ordinary appellate jurisdiction; interference requires a patent error of law or jurisdiction, misreading or non-reading of material evidence, an erroneous legal principle, or a substantial miscarriage of justice.

Source: *The jurisdiction of this Court under Article 185(3) of the Constitution is, likewise, not an ordinary appellate jurisdiction.*

Authority: *Article 185(3), Constitution of the Islamic Republic of Pakistan, 1973*

Only an order of a competent Court can restrain the progress of proceedings; the pendency of a matter before a higher Court is not, without an express stay, a justification for the trial Court to withhold or delay the trial.

Source: *A stay order constitutes a judicial restraint upon the progress of proceedings*

Authority: *Chief Land Commissioner, Punjab v. Administrator Auqaf Department, Bahawalpur (2025 SCMR 2078)*

A Court to which a matter is remanded must proceed within the terms and scope of the remand order and conclude the proceedings within the time prescribed by the remanding Court or, where none is prescribed, within a reasonable time and without unnecessary adjournments.

Source: *It is essential that remanded cases are concluded expeditiously so that remand orders do not become a source of unnecessary prolongation or further pendency of litigation.*

Authority: Order XLI, Code of Civil Procedure, 1908 (remand); Article 37(d), Constitution of the Islamic Republic of Pakistan, 1973 (expeditious justice)

OPERATIVE ORDER

The petition was found devoid of merit and dismissed. The trial Court was directed to conclude the remanded proceedings within two months of receipt of the order, excluding the summer vacation, strictly in accordance with law and without granting unnecessary adjournments, with the clarification that nothing in the order would prejudice the rights of either party. A copy of the order was directed to be sent to the Registrars of all the High Courts for placing before the respective Chief Justices for issuance of appropriate directions to the courts below for expeditious disposal of remanded cases. Approved for reporting.

■ View Full Judgment

CONTROL OF NARCOTIC SUBSTANCES ACT 1997 S.9(C); CODE OF CRIMINAL PROCEDURE 1898 SS.173, 382-B — WHERE ONLY A CONSOLIDATED OR REPRESENTATIVE SAMPLE IS SENT FOR CHEMICAL ANALYSIS, CONVICTION AND SENTENCE CAN REST ONLY ON THE QUANTITY ACTUALLY ANALYSED

Muhammad Hussain v. The State

APPEAL PARTLY ALLOWED; CONVICTION MAINTAINED, SENTENCE REDUCED FROM IMPRISONMENT FOR LIFE TO SEVEN YEARS; NOT APPROVED FOR REPORTING

Criminal Appeal No. 20-Q of 2023 (on appeal against the judgment dated 27.12.2021 of the High Court of Balochistan, Turbat Bench at Quetta in Criminal Appeal No. T.58/2021 and Murder Reference No. T.05 of 2021) · Bench: Justice Muhammad Hashim Khan Kakar; Justice Shakeel Ahmad; Justice Ishtiaq Ibrahim (authoring the judgment of the Court) · Decided: Heard and decided 05.08.2026 at Islamabad · Uploaded: 19.08.2026

FACTS

Acting on information that the appellant had concealed charas beneath crushed stones loaded in his dumper and intended to smuggle it to Gwadar, Hakeemullah, Sub-Inspector (PW-1) established a picket at D. Baloch Cross on 16.02.2020. At about 12:55 a.m. the dumper driven by the appellant was intercepted and, on unloading the crushed stones, 75 bags were recovered, each containing 20 packets of charas of one kilogram each, aggregating 1,500 kilograms. The seizing officer separated a sample of five grams from each of the 1,500 packets, sealing them into parcels Nos. 1 to 1500, and sealed the remaining quantity into parcels Nos. 1501 to 1575. FIR No. 34 of 2020 under section 9(c) of the Control of Narcotic Substances Act, 1997 was registered at Police Station City Turbat. The Special Judge, Turbat convicted the appellant on 06.05.2021 and sentenced him to death with a fine of Rs.1,000,000/-. The High Court of Balochistan, Turbat Bench maintained the conviction on 27.12.2021 but altered the death sentence to imprisonment for life and answered the murder reference in the negative. Leave to appeal was granted on 20.12.2023. Before the Supreme Court the appellant contended that the Forensic Science Laboratory report (Exh. P-7/D) bore apparent overwriting and that, although 1,500 sample parcels had been prepared, only a single parcel containing a consolidated sample was transmitted for chemical analysis.

LEGAL ISSUE

Whether, where the prosecution prepares individual sample parcels from each recovered packet but transmits only a single consolidated sample to the Forensic Science Laboratory, the accused may be convicted and sentenced by reference to the entire recovered quantity or only by reference to the quantity actually subjected to chemical analysis.

HOLDING

The Court held that, apart from inconsistencies in the evidence relating to safe transmission of the sample parcels from the place of recovery to the police station, the prosecution had failed to establish that the entire recovered contraband was subjected to chemical analysis. The Forensic Science Laboratory report disclosed that only Parcel No. 1, containing a consolidated sample weighing 7,500 grams, was received and analysed, and was reported to contain Charas/Baked Cannabinoids. In those circumstances the quantity of narcotics legally attributable to the appellant for the purposes of conviction was necessarily confined to the quantity actually subjected to chemical analysis. Following *Ameer Zeb v. The State* (PLD 2012 SC 380) and *Para Din*

and others v. The State (2016 SCMR 806), the Court held it a settled principle that where only representative or consolidated samples are transmitted, only the quantity represented by the sample actually analysed can be taken into consideration in determining the nature of the offence and the quantum of sentence. The courts below had overlooked that settled law and had erroneously sentenced the appellant for the entire recovered quantity.

LEGAL SIGNIFICANCE

The judgment restates and applies, at a three-member strength, the Ameer Zeb / Para Din line of authority in a case of an exceptionally large notional recovery (1,500 kilograms) reduced to an analysed quantity of 7.5 kilograms. Its practical importance for the defence is that the sentencing exercise under section 9(c) of the Control of Narcotic Substances Act, 1997 must begin from the analysed weight, not the seized weight, and that the failure of the investigating agency to send the separately prepared parcels to the laboratory is a defect the prosecution cannot cure by pointing to the recovery memo. For the prosecution, it is a reminder that where individual samples are prepared they must be transmitted, and that consolidation defeats the very purpose of sampling. The Court also treated the unexplained consolidation as compounding independent inconsistencies about safe custody and transmission.

LEGAL PROPOSITIONS (VERBATIM)

— the quantity of narcotics which can legally be attributed to the appellant for the purposes of conviction is necessarily confined to the quantity actually subjected to chemical analysis.

— the remaining alleged recovered quantity, having not been subjected to chemical analysis, cannot legally be taken into account for the purposes of maintaining the conviction

— he was unable to furnish any satisfactory explanation as to why only a single parcel containing the consolidated sample was dispatched to the Forensic Science Laboratory despite the preparation of 1,500 sample parcels.

LEGAL PRINCIPLES EXPOUNDED

The quantity of narcotics that may be attributed to an accused for the purposes of conviction is confined to the quantity actually subjected to chemical analysis by the Forensic Science Laboratory.

Source: the quantity of narcotics which can legally be attributed to the appellant for the purposes of conviction is necessarily confined to the quantity actually subjected to chemical analysis.

Authority: Section 9(c), Control of Narcotic Substances Act, 1997; Ameer Zeb v. The State (PLD 2012 SC 380); Para Din and others v. The State (2016 SCMR 806)

Where only a representative or consolidated sample is transmitted for analysis, the unanalysed balance of the recovery cannot support either the conviction or the quantum of sentence.

Source: the remaining alleged recovered quantity, having not been subjected to chemical analysis, cannot legally be taken into account for the purposes of maintaining the conviction

Authority: Ameer Zeb v. The State (PLD 2012 SC 380); Para Din and others v. The State (2016 SCMR 806)

An unexplained failure to dispatch the individually prepared sample parcels, coupled with inconsistencies in the evidence of safe transmission, is a defect in the prosecution case which the State must explain.

Source: he was unable to furnish any satisfactory explanation as to why only a single parcel containing the consolidated sample was dispatched to the Forensic Science Laboratory despite the preparation of 1,500 sample parcels.

Authority: Section 9(c), Control of Narcotic Substances Act, 1997

OPERATIVE ORDER

The appeal was partly allowed. The conviction of the appellant Muhammad Hussain under section 9(c) of the Control of Narcotic Substances Act, 1997 was maintained, but his sentence was reduced from imprisonment for life to seven (07) years' imprisonment. The sentence of fine remained intact, while the period of imprisonment in default was reduced from one year's simple imprisonment to two months' simple imprisonment. The benefit of section 382-B Cr.P.C. was extended to the appellant.

[■ View Full Judgment](#)

PAKISTAN PENAL CODE 1860 S.302(B); CODE OF CRIMINAL PROCEDURE 1898 SS.164, 342, 382-B — A JUDICIAL CONFESSION RECORDED AFTER UNEXPLAINED DELAY, BEREFT OF MATERIAL PARTICULARS AND UNCORROBORATED BY ANY INDEPENDENT EVIDENCE CANNOT SUSTAIN A CONVICTION

Nadeem v. The State

JAIL PETITION CONVERTED INTO AN APPEAL AND ALLOWED; CONVICTION AND SENTENCE SET ASIDE; ACQUITTAL ON BENEFIT OF DOUBT; NOT APPROVED FOR REPORTING

Jail Petition No. 562 of 2022 (against the judgment dated 17.10.2022 of the High Court of Sindh at Karachi in Criminal Jail Appeal No. 549 of 2020) · Bench: Justice Muhammad Hashim Khan Kakar; Justice Ishtiaq Ibrahim (authoring the judgment of the Court) · Decided: Heard and decided 03.08.2026 at Islamabad · Uploaded: 19.08.2026

FACTS

FIR No. 291/2019 dated 12.05.2019 under section 302 PPC was registered at Police Station Awami Colony, Karachi. Mst. Seema Bibi, sister of the complainant Rafiq Jan (PW-1), had been married to the petitioner about two and a half years before the occurrence and a son was born of the marriage; owing to matrimonial disputes she was divorced by the petitioner and thereafter resided with her brother. Despite the divorce the petitioner allegedly continued to visit the complainant's house and to take the deceased with him, over the complainant's objections. On 12.05.2019 the complainant was informed at the time of Fajr prayers by Shams-ur-Rehman (PW-3) that the petitioner had murdered the deceased in a park in Korangi and that her body was lying there. The investigating officer Muhammad Asif ASI (PW-6) found the body hanging from a tree. Dr. Zakia (PW-2), who conducted the postmortem, opined that death was caused by asphyxia leading to irreversible shock and respiratory failure. The Additional Sessions Judge-I, Karachi East convicted the petitioner on 27.10.2020 under section 302(b) PPC and sentenced him to imprisonment for life with compensation of Rs.500,000/-; the High Court of Sindh dismissed the appeal on 17.10.2022.

LEGAL ISSUE

Whether a conviction for murder can be sustained solely on the strength of a judicial confession recorded after an unexplained delay of five days from arrest, which omits the material particulars of the occurrence and is not corroborated by any independent direct or circumstantial evidence, particularly where the accused has retracted it in his statement under section 342 Cr.P.C.

HOLDING

The Court held that neither the complainant nor PW-3 was an eyewitness, and that although the evidence established the unnatural death of the deceased it left unresolved the crucial questions whether the death was suicidal or homicidal and, if homicidal, whether the petitioner was the perpetrator. The principal circumstance relied upon by both courts below was the alleged judicial confession before the Judicial Magistrate (PW-4). The Court found that the confession had been recorded after an unexplained delay of five days from arrest, was wholly bereft of the material particulars of the occurrence, disclosed neither the date, time nor place nor the manner of the killing, and did not even identify the victim, the petitioner having stated only that he had murdered his wife when the deceased had admittedly already been divorced by him and so was not his wife on the day of occurrence. No other incriminating evidence connected the petitioner with the offence; there was no last-seen evidence, and no weapon or incriminating article was recovered at his instance. In answer to Question No. 10 of his statement under section 342 Cr.P.C. the petitioner asserted that he had been asked by the investigating officer to confess before the Court on the promise that the Judge would release him. Taken with the unexplained delay and the absence of corroboration, this cast a serious shadow on the voluntariness, truthfulness and reliability of the confession and rendered it unsafe as the sole basis of conviction. The conviction rested on mere presumption, surmise and conjecture, which cannot substitute for proof.

LEGAL SIGNIFICANCE

The judgment is a useful working checklist for testing a judicial confession: promptness of recording, completeness of material particulars, internal consistency with admitted facts, absence of inducement, and

the availability of independent corroboration. Two features repay attention. First, the Court treated the internal defect — the confession describing the deceased as the maker's 'wife' when the marriage had been dissolved — as going to the truthfulness of the statement, not merely its weight. Secondly, the retraction pleaded in the section 342 statement, alleging an inducement by the investigating officer, was given effect because the confession stood alone; the judgment therefore reinforces the rule that a retracted and uncorroborated judicial confession will not sustain a capital or life conviction. The case also illustrates that in the absence of last-seen evidence or recovery, medical evidence establishing unnatural death does not carry the prosecution across the threshold of homicide, still less of identity.

LEGAL PROPOSITIONS (VERBATIM)

- *the said confession was recorded after an unexplained delay of five days from the date of the petitioner's arrest.*
- *the confession is wholly bereft of material particulars of the alleged occurrence and does not receive corroboration from any independent or reliable direct or circumstantial piece of evidence.*
- *mere presumption, surmises and conjectures which cannot be the substitute of proof.*

LEGAL PRINCIPLES EXPOUNDED

An unexplained delay between arrest and the recording of a judicial confession detracts from its evidentiary worth.

Source: *the said confession was recorded after an unexplained delay of five days from the date of the petitioner's arrest.*

Authority: Section 164, Code of Criminal Procedure, 1898

A judicial confession which omits the date, time, place and manner of the occurrence and does not identify the victim is bereft of material particulars and cannot, without independent corroboration, sustain a conviction.

Source: *the confession is wholly bereft of material particulars of the alleged occurrence and does not receive corroboration from any independent or reliable direct or circumstantial piece of evidence.*

Authority: Sections 164 and 364, Code of Criminal Procedure, 1898; Article 37, Qanun-e-Shahadat Order, 1984

Where a confession is retracted on a plea of inducement by the investigating officer and is unsupported by corroboration, it is unsafe to convict solely upon it, and a conviction so recorded rests on conjecture rather than proof.

Source: *cast a serious shadow on the voluntariness, truthfulness and reliability of the alleged confession, rendering it unsafe to sustain conviction solely on its basis.*

Authority: Section 342, Code of Criminal Procedure, 1898

OPERATIVE ORDER

The petition was converted into an appeal and allowed. The judgments of both courts below were set aside; the conviction and sentence awarded to the appellant Nadeem were set aside and he was acquitted of the charge by extending to him the benefit of doubt, with a direction that he be released forthwith if not required to be detained in connection with any other case.

■ [View Full Judgment](#)

PAKISTAN PENAL CODE 1860 SS.302(B), 302(C), 337-F(II); CODE OF CRIMINAL PROCEDURE 1898 SS.382-B, 544-A — WHERE THE GENESIS OF THE OCCURRENCE IS UNEXPLAINED, THE ACCUSED HIMSELF SUSTAINED UNEXPLAINED INJURIES AND A SINGLE UNREPEATED BLOW WAS STRUCK WITHOUT PREMEDITATION, THE CASE FALLS WITHIN SECTION 302(C) PPC

Faheem alias Babbly v. The State; Rana Muhammad Afzaal v. Faheem alias Babbly and the State

JAIL PETITION CONVERTED INTO AN APPEAL AND PARTLY ALLOWED; CONVICTION ALTERED FROM SECTION 302(B) TO SECTION 302(C) PPC; COMPLAINANT'S PETITION FOR ENHANCEMENT DISMISSED; NOT APPROVED FOR REPORTING

Jail Petition No. 326 of 2021 and Criminal Petition No. 928-L of 2021 (against the judgment dated 24.05.2021 of the Lahore High Court, Lahore in Criminal Appeal No. 31268/2017 and Murder Reference No. 512/2017) · Bench: Justice Muhammad Hashim Khan Kakar; Justice Salahuddin Panhwar; Justice Ishtiaq Ibrahim (authoring the judgment of the Court) · Decided: Heard and decided 11.08.2026 at Lahore · Uploaded: 19.08.2026

FACTS

FIR No. 106 dated 06.03.2016 under sections 302, 337-F(ii) and 34 PPC was registered at Police Station Changa Manga, District Kasur. According to the complainant Rana Muhammad Afzaal (PW.5), he was at his grocery shop at Tibbi Dial Singh with Muhammad Irshad (deceased), Khurram Shahzad (PW.6) and three others when the petitioner, accompanied by three unidentified persons, arrived, abused the deceased, took out a dagger from the fold of his shalwar and struck a blow on the deceased's back; Khurram Shahzad, attempting to rescue the deceased, received an injury on his right arm. The deceased was shifted to hospital and died at Jinnah Hospital, Lahore. The motive alleged was a quarrel a few days earlier. The Additional Sessions Judge, Chunian convicted the petitioner on 28.04.2017 under section 302(b) PPC and sentenced him to death with compensation of Rs.100,000/-, and under section 337-F(ii) PPC to three years' rigorous imprisonment with daman of Rs.10,000/-. The Lahore High Court dismissed the appeal on 24.05.2021 but commuted the death sentence to imprisonment for life and answered the murder reference in the negative. The complainant sought enhancement to death.

LEGAL ISSUE

Whether, on evidence disclosing an unexplained genesis, injuries sustained by the accused himself which the eyewitnesses failed to explain, a single unrepeated blow and no evidence of prior design, the offence falls under section 302(b) PPC or under section 302(c) PPC.

HOLDING

The Court held that the ocular account of the complainant (PW.5) and the injured Khurram Shahzad (PW.6) did not remain free from doubt as to the actual manner and genesis of the occurrence when examined against the testimony of Akbar Ghani, SI. The defence version put in cross-examination — that the complainant party had beaten the petitioner over a dispute relating to a woman and that the deceased fell and was injured by broken glass — could not be discarded merely on denial, being supported by other evidence. The investigating officer's testimony established that the petitioner had been arrested on the day of occurrence in an injured condition, was medically examined and referred to hospital, and had been brought to the police station in an injured condition by his brother; that testimony was supported by documentary evidence including docket Exh.DA. The presence at the spot of three further persons who did not intervene was unnatural, the petitioner being armed only with a dagger. The medical evidence disclosed a single incised wound on the deceased and one on the injured witness, establishing a physical confrontation but not corroborating the prosecution's asserted sequence of events. The true genesis remaining unexplained and the injuries of the petitioner remaining unaccounted for, the possibility that both sides had withheld the true genesis and minimised their roles could not be ruled out. The occurrence took place at the spur of the moment and without premeditation; there was no convincing evidence of previous enmity or prior design; a single blow was inflicted and not repeated; and nothing showed that the petitioner took undue advantage or acted in a cruel or unusual manner. Cumulatively these circumstances brought the case within the ambit of section 302(c) PPC.

LEGAL SIGNIFICANCE

The judgment is a practical illustration of the boundary between clauses (b) and (c) of section 302 PPC. Three factors did the work: the unexplained injuries on the person of the accused, which the eyewitnesses failed to account for and which the police failed to investigate; the absence of premeditation or prior design; and the infliction of a solitary, unrepeatable blow without cruelty or undue advantage. The Court also reaffirms that a defence version put to prosecution witnesses in cross-examination does not fall merely because it is denied, if it draws support from other material — here the investigating officer's own testimony and the contemporaneous docket. For the complainant's side, the case shows that the same infirmities that reduce the offence to section 302(c) will also defeat a petition for enhancement, which the Court dismissed as having become infructuous on the conversion.

LEGAL PROPOSITIONS (VERBATIM)

- *the occurrence took place at the spur of the moment and without premeditation*
- *There is no convincing evidence of any previous enmity or prior design on the part of the petitioner*
- *Nothing has been brought on record to show that he took undue advantage of the situation or acted in a cruel or unusual manner.*

LEGAL PRINCIPLES EXPOUNDED

A defence version put to the prosecution witnesses in cross-examination cannot be discarded merely because the witnesses deny it, where it finds support from other evidence on the record.

Source: *the defence version cannot be discarded merely on the basis of such denial, particularly when it finds support from the other evidence on record*

Authority: Article 133, Qanun-e-Shahadat Order, 1984 (cross-examination); sections 302 and 337-F(ii), Pakistan Penal Code, 1860

Where the accused is arrested on the day of occurrence in an injured condition and the eyewitnesses do not satisfactorily explain those injuries, and the police do not record his version, the prosecution's account of the genesis of the occurrence is rendered doubtful.

Source: *The testimony of Akbar Ghani, SI (PW.87), who reached the hospital soon after the occurrence and recorded the report of the complainant, supports the defence version regarding injuries sustained by the petitioner*

Authority: Section 302, Pakistan Penal Code, 1860

An unexplained genesis, absence of premeditation or prior design, a solitary unrepeatable blow, and the absence of cruelty or undue advantage cumulatively bring a homicide within section 302(c) PPC rather than section 302(b).

Source: *the occurrence took place at the spur of the moment and without premeditation*

Authority: Sections 302(b) and 302(c), Pakistan Penal Code, 1860

OPERATIVE ORDER

Jail Petition No. 326 of 2021 was converted into an appeal and partly allowed. The conviction and sentence of the appellant-convict Faheem alias Babbly under section 302(b) PPC were set aside; he was convicted under section 302(c) PPC and sentenced to undergo fourteen (14) years' rigorous imprisonment. His conviction and sentences under the remaining offences were maintained, all sentences to run concurrently, with the benefit of section 382-B Cr.P.C. On the conversion, Criminal Petition No. 928-L of 2021 filed by the complainant for enhancement became infructuous and was dismissed, and leave was refused.

■ [View Full Judgment](#)

Lahore High Court

3 judgments

PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006 SS.4, 5(1)(A), 7(B), 10; CONSTITUTION OF PAKISTAN 1973 ARTS. 4, 10A, 199 — 'TERMINATION FROM SERVICE' IS NOT A PENALTY LISTED IN SECTION 4 OF THE PEEDA ACT AND IS VOID, AND A REGULAR INQUIRY MAY NOT BE DISPENSED WITH WITHOUT JUSTIFIABLE REASONS RECORDED IN THE SHOW CAUSE NOTICE

Shafique Khushnood v. Medical Superintendent, Lahore General Hospital Lahore and two others

WRIT PETITION PARTLY ALLOWED; IMPUGNED ORDERS SET ASIDE AND PETITIONER REINSTATED; APPROVED FOR REPORTING

W.P. No. 6323 of 2026; 2026 LHC 5289 · Bench: Justice Malik Muhammad Awais Khalid · Decided: Date of hearing 20.05.2026 (Lahore High Court, Lahore, Judicial Department) · Uploaded: 19.08.2026

FACTS

The petitioner was serving as a Security Guard (BS-01) on a permanent BOM-created post at Lahore General Hospital, Lahore. It was alleged that he had been caught red-handed while stealing air-conditioning pipes in the orthopaedic ward on 01.05.2024 at 4:30 a.m. and had remained absent from duty from 15.06.2024 to 22.07.2024. A show cause notice dated 15.07.2024 was issued under section 7(b) read with section 5(1)(a) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, the inquiry having been dispensed with. In his reply the petitioner denied the allegations, stating that the night security supervisor had called him at about 4:30 a.m. to report that someone was cutting an air-conditioning pipe near the orthopaedic ward, that he visited the spot and found nobody there, and that he had not been absent from duty. Without a regular inquiry or an opportunity of hearing, respondent No.2 terminated his service on 24.07.2024. His departmental appeal was dismissed on 19.09.2024 and his appeal to the Punjab Service Tribunal was dismissed on 13.01.2026 for want of jurisdiction, whereupon he invoked Article 199. Counsel produced the attendance register for June and July 2024 showing his attendance on most dates, and pointed to a delay of more than two months between the alleged incident of 01.05.2024 and the show cause notice.

LEGAL ISSUE

Whether the competent authority could dispense with a regular inquiry without recording justifiable reasons, and whether a major penalty of 'termination from service' — an expression not appearing in the list of penalties in section 4 of the PEEDA Act, 2006 — could lawfully be imposed on disputed allegations of fact.

HOLDING

The Court held that a perusal of the show cause notice showed no cogent or justifiable reason for dispensing with the inquiry; the competent authority had proceeded merely on the basis of an opinion, which is unwarranted in law. Where the delinquent denies the allegations, the right of confrontation under Articles 4 and 10A of the Constitution and the right of cross-examination under section 10 of the Act arise, and the authenticity or otherwise of disputed facts cannot be determined without a fair regular inquiry. Relying on *Arbab v. Province of Sindh* (2026 SCMR 300), *Vice-President (Admin.), National Bank of Pakistan v. Basharat Ali* (1996 SCMR 201), *Saad Salam Ansari v. Chief Justice of Sindh High Court* (2007 SCMR 1726), *Chief Engineer GEPCO v. Khalid Mehmood* (2023 SCMR 291), *Naseeb Khan v. Divisional Superintendent, Pakistan Railways* (2008 SCMR 1369), *Government of Balochistan v. Muhammad Yasir* (2025 SCMR 367) and *Government of Khyber Pakhtunkhwa v. Aurangzeb* (2025 SCMR 40), the Court held that a major penalty cannot be imposed on disputed questions of fact without a regular inquiry and an opportunity to lead and test evidence. Separately, and independently, the Court held that the impugned order of termination is alien to the Act: section 4 lists censure, withholding of increment, fine, reduction in pay scale and withholding of promotion as minor penalties, and recovery, reduction to a lower post, forfeiture of past service, compulsory retirement, removal from service and dismissal from service as major penalties. The word 'termination' does not appear, and the imposition of a major penalty of termination from service is void as absent from the statutory list. The appellate authority had also acted mechanically and arbitrarily, and the punishment violated Articles 4 and 10-A of the Constitution and section 4 of the Act.

LEGAL SIGNIFICANCE

Two distinct grounds are laid down, either of which is sufficient to defeat a PEEDA proceeding. The first is procedural: dispensation with a regular inquiry requires justifiable reasons assigned in writing before the inquiry is dispensed with, and cannot rest on a bare recital that the authority is 'of the opinion' that no inquiry is necessary; where the charge turns on disputed questions of fact rather than admitted documents, the employee cannot be denied a regular inquiry. The second is substantive and of considerable practical value: because section 4 of the Act is an exhaustive catalogue of penalties, an order framed as 'termination from service' is void for want of statutory foundation, whatever the merits. The judgment also records that a delay of over two months between the alleged misconduct and the show cause notice, and documentary attendance evidence contradicting the charge of absence, weighed against the department. The relief moulded — reinstatement with liberty to the competent authority to hold a regular inquiry and a direction to decide back benefits — is the conventional order in such cases.

LEGAL PROPOSITIONS (VERBATIM)

- *no reason has been mentioned by the competent authority in the show cause notice to dispense with the inquiry but has proceeded against the petitioner only on the basis of opinion which is unwarranted under law.*
- *Authenticity or otherwise of the disputed facts cannot be considered without conducting a fair regular inquiry.*
- *The impugned order of the termination of the petitioner from service is alien to the Act.*

LEGAL PRINCIPLES EXPOUNDED

A regular inquiry cannot be dispensed with on the strength of a bare opinion; cogent and justifiable reasons must appear in the show cause notice itself.

Source: *no reason has been mentioned by the competent authority in the show cause notice to dispense with the inquiry but has proceeded against the petitioner only on the basis of opinion which is unwarranted under law.*

Authority: Sections 5(1)(a) and 7(b), Punjab Employees Efficiency, Discipline and Accountability Act, 2006

Where the delinquent denies the allegations, disputed questions of fact can be resolved only through a fair regular inquiry in which the rights of confrontation and cross-examination are afforded.

Source: *Authenticity or otherwise of the disputed facts cannot be considered without conducting a fair regular inquiry.*

Authority: Articles 4 and 10A, Constitution of the Islamic Republic of Pakistan, 1973; section 10, PEEDA Act, 2006; Chief Engineer, GEPCO v. Khalid Mehmood (2023 SCMR 291)

Section 4 of the PEEDA Act, 2006 exhaustively lists the penalties that may be imposed; a penalty of 'termination from service' finds no place in that list and an order imposing it is void.

Source: *The impugned order of the termination of the petitioner from service is alien to the Act.*

Authority: Section 4, Punjab Employees Efficiency, Discipline and Accountability Act, 2006

An appellate order passed mechanically, without application of mind to the grounds of appeal, is arbitrary and cannot be sustained.

Source: *The appellate authority also passed the impugned order in mechanical manner hence arbitrary in nature*

Authority: Article 10A, Constitution of the Islamic Republic of Pakistan, 1973; Government of Balochistan v. Muhammad Yasir (2025 SCMR 367)

OPERATIVE ORDER

The impugned orders were set aside and the petitioner was reinstated into service. The competent authority was left at liberty to order a regular inquiry on the allegations levelled against the petitioner in accordance with law, and was directed to decide the issue of the petitioner's back benefits. The writ petition was partly allowed in those terms. Approved for reporting.

■ [View Full Judgment](#)

PAKISTAN PENAL CODE 1860 SS.409, 420, 109; CODE OF CRIMINAL PROCEDURE 1898 S.497(2) AND SCHEDULE II — ABSENT ENTRUSTMENT, THE RETENTION OF A COMMISSION FROM A BENEFICIARY IS CHEATING AND NOT CRIMINAL BREACH OF TRUST, AND THE ADDITION OF SECTION 409 PPC TO DEFEAT BAIL WILL NOT BE COUNTENANCED

Muhammad Akhtar and another v. The State and another

POST-ARREST BAIL GRANTED; APPROVED FOR REPORTING

Crl. Misc. No. 5827-B of 2026; 2026 LHC 5264 (Lahore High Court, Multan Bench, Multan) · Bench: Justice Syed Farhad Ali Shah · Decided: 17.08.2026 · Uploaded: 18.08.2026

FACTS

The petitioners Muhammad Akhtar and Muhammad Ansar sought post-arrest bail in FIR No. 12/26 dated 04.07.2026 registered under sections 409, 420 and 109 PPC at Police Station FIA, District D.G. Khan. The allegation was that they had received various amounts from beneficiaries of the Ehsaas Kafalat Programme (BISP Scheme) for the release of amounts standing in the beneficiaries' names, and were found with an HBL Konnect biometric device and an Infinix mobile phone, retaining the beneficiaries' Computerized National Identity Cards. The FIR itself recorded that at the time of the raid two agents intercepted inside Ansar Mobile were taking the beneficiaries' CNICs and a commission of Rs. 1,000 from each of the women who came to receive their entitlement. The petitioners had been in custody since their arrest on 04.07.2026.

LEGAL ISSUE

Whether, on a tentative assessment, the allegation that the petitioners retained Rs. 1,000 out of amounts they handed over to each beneficiary discloses the offence of criminal breach of trust under section 409 PPC or of cheating, and whether the case is one of further inquiry for the purposes of section 497(2) Cr.P.C.

HOLDING

The Court held that no allegation had been made that the petitioners were entrusted with any amount by any beneficiary and thereafter dishonestly misappropriated it. Where there is no entrustment and the allegation is merely that the accused retained Rs. 1,000 out of the total amount handed over to each beneficiary, the case becomes one of cheating and not of criminal breach of trust; and the offence of cheating is bailable under Schedule II of the Code of Criminal Procedure, 1898. An outward effort had been made by the investigating officer to convert the offence of cheating into criminal breach of trust, disregarding the narrative of the FIR and the statements of the witnesses. The culpability of the petitioners would be determined by the trial Court after recording of evidence. There being no allegation that the petitioners would abscond or interfere with the witnesses, their continued detention would serve no useful purpose; the prosecution did not allege that they were withholding any official record or that the bank agents in whose name the biometric apparatus was issued were withholding it; and as the relevant record and evidence collected during investigation were with the prosecution there was no question of tampering with evidence. The case was accordingly one of further inquiry under section 497(2) Cr.P.C. The Court relied on *Saeed Ahmed v. The State* (1996 SCMR 1132), *Muhammad Nawaz v. The State through Chairman NAB* (PLD 2008 SC 438), *Manzoor and 4 others v. The State* (PLD 1972 SC 81), *Muhammad Saeed Mehdi v. The State* (2002 SCMR 282) and *Muhammad Sarfraz Ansari v. The State* (PLD 2021 SC 738).

LEGAL SIGNIFICANCE

The judgment is a corrective against the practice of adding section 409 PPC to a fraud case in order to place it beyond the reach of ordinary bail. The dividing line drawn is entrustment: without an entrustment there can be no criminal breach of trust, and a transaction in which the accused hands over money while retaining a commission is, at its highest, cheating — which is bailable under the Second Schedule. The reasoning is directly transferable to FIA and BISP-related prosecutions and to other cases involving agents of banking correspondents. The Court also restates the settled principle that bail is not to be withheld as punishment, and applies the familiar documentary-evidence rationale from *Saeed Ahmed*: where the case rests on documents already in the prosecution's possession, the risk of tampering does not arise.

LEGAL PROPOSITIONS (VERBATIM)

- Obviously, the offense of cheating is bailable in nature as per Schedule II of the Code of Criminal Procedure, 1898.
- It is not the prosecution's case that the petitioners are withholding any official record
- Liability of petitioners for the offences would be determined by the learned trial court after sifting the evidentiary worth of the material produced before the same.

LEGAL PRINCIPLES EXPOUNDED

Criminal breach of trust presupposes entrustment; where no entrustment is alleged and the accused is said merely to have retained a commission out of money handed over, the case is one of cheating, which is bailable under Schedule II Cr.P.C.

Source: Obviously, the offense of cheating is bailable in nature as per Schedule II of the Code of Criminal Procedure, 1898.

Authority: Sections 405, 409 and 415 read with section 420, Pakistan Penal Code, 1860; Schedule II, Code of Criminal Procedure, 1898

Where the record and evidence collected during investigation are already with the prosecution, there is no question of tampering, and continued detention serves no useful purpose in the absence of any allegation of absconson or interference with witnesses.

Source: It is not the prosecution's case that the petitioners are withholding any official record

Authority: Saeed Ahmed v. The State (1996 SCMR 1132); section 497(2), Code of Criminal Procedure, 1898

Bail is not to be withheld as a punishment; questions of culpability are for the trial Court after evidence, and at the bail stage the Court makes only a tentative assessment.

Source: Liability of petitioners for the offences would be determined by the learned trial court after sifting the evidentiary worth of the material produced before the same.

Authority: Manzoor and 4 others v. The State (PLD 1972 SC 81); Muhammad Saeed Mehdi v. The State (2002 SCMR 282); Muhammad Sarfraz Ansari v. The State (PLD 2021 SC 738)

OPERATIVE ORDER

The petition was accepted and the petitioners were admitted to post-arrest bail subject to furnishing bail bonds in the sum of Rs.1,00,000/- (one lac only) each with two sureties each in the like amount to the satisfaction of the trial Court. The Court clarified that the observations were absolutely tentative and confined to the petition, having no nexus with the trial, which is to be concluded independently and purely on merit. Approved for reporting.

■ View Full Judgment

CODE OF CRIMINAL PROCEDURE 1898 S.497(5); PAKISTAN PENAL CODE 1860 S.406 — THE CONSIDERATIONS GOVERNING THE GRANT OF BAIL AND ITS CANCELLATION ARE DISTINCT, AND A BAIL-GRANTING ORDER WILL BE RECALLED ONLY IF IT IS PERVERSE ON THE FACE OF IT OR MADE IN CLEAR DISREGARD OF SETTLED PRINCIPLES OF LAW

Masood Aslam v. The State, etc.

PETITION FOR CANCELLATION OF PRE-ARREST BAIL DISMISSED IN LIMINE; APPROVED FOR REPORTING

Crl. Misc. No. 46375-CB of 2026; 2026 LHC 5260 (Lahore High Court, Lahore, Judicial Department) · Bench: Justice Muhammad Amjad Pervaiz · Decided: 12.08.2026 · Uploaded: 18.08.2026

FACTS

The complainant Masood Aslam applied under section 497(5) Cr.P.C. for cancellation of pre-arrest bail granted to respondent No.2 by the Additional Sessions Judge, Lahore on 30.06.2026 in FIR No. 506/2026 dated 14.05.2026 under section 406 PPC registered at Police Station Mozang, Lahore. The prosecution case was that the respondent had borrowed the complainant's car bearing registration No. KY-4443 on 28.11.2025 for ten days to attend a marriage ceremony, did not return it, prevaricated and ultimately refused. The bail-granting Court had before it a civil suit for declaration, specific performance and permanent injunction filed by the respondent on 18.02.2026 asserting that he had purchased the vehicle from the complainant for Rs.75,00,000/- and had been given possession; the complainant appeared in that suit on 05.03.2026, was proceeded against ex parte on 21.04.2026, had the ex parte proceedings set aside and filed his written statement on 11.05.2026 pleading that the vehicle had been borrowed for ten days and fraudulently retained.

The FIR was registered on 15.05.2026, after a delay of more than six months from 28.11.2025 and immediately after the written statement was filed.

LEGAL ISSUE

Whether the complainant had made out any of the recognised grounds for cancellation of bail under section 497(5) Cr.P.C., the bail-granting Court having found two competing versions requiring determination at trial, an unexplained delay of six months in registration of the FIR, and possible malice as a counterblast to the civil suit.

HOLDING

The Court held that the considerations for the grant of bail and for its cancellation are altogether different, and that once bail has been granted by a Court of competent jurisdiction, strong and exceptional grounds are required for its cancellation. Following PLD 1995 SC 34 and the enumeration in Sami Ullah's case (2020 SCMR 1115), the recognised grounds are that the bail-granting order is patently illegal, erroneous, factually incorrect and has resulted in a miscarriage of justice; that the accused has misused the concession of bail; that he has tried to hamper prosecution evidence by persuading or pressurising witnesses; that there is a likelihood of absconson beyond the jurisdiction of the Court; that he has attempted to interfere with the smooth course of investigation; that he has misused his liberty by indulging in a similar offence; or that fresh facts and material collected during investigation tend to establish his guilt. That view has been consistently followed and, as enunciated in Rab Nawaz's case (2025 SCMR 1357), the principles for examining a bail-granting order for cancellation are that the Court shall interfere on two grounds, namely that the impugned order is perverse on the face of it and that the case has been decided in clear disregard of settled principles of law. Counsel for the petitioner, though heard at length, could not demonstrate that any of those grounds was attracted; the impugned order was neither perverse nor factually incorrect, nor in disregard of any settled principle of law.

LEGAL SIGNIFICANCE

The judgment collects, in a single place and with citations, the operative test for cancellation of bail under section 497(5) Cr.P.C., distinguishing it clearly from the test for grant. The seven Sami Ullah grounds are reproduced and are then subsumed within the two-ground formulation from Rab Nawaz — perversity on the face of the record, or clear disregard of settled principles. Practitioners should note the underlying facts as an illustration of legitimate exercise of the bail discretion: a six-month delay in registering the FIR, registration immediately after a written statement was filed in a pre-existing civil suit over the same vehicle, and two competing versions on the constitution of the offence under section 406 PPC. The case is a useful authority against attempts to use section 497(5) as a substitute appeal on the merits of the bail order.

LEGAL PROPOSITIONS (VERBATIM)

- *The considerations for the grant of bail and for cancellation of the same are altogether different.*
- *Once the bail is granted by a Court of competent jurisdiction, then strong and exceptional grounds would be required for cancellation thereof.*
- *The order impugned is neither perverse nor factually incorrect, nor is it in disregard of any settled principle of law.*

LEGAL PRINCIPLES EXPOUNDED

The considerations governing the grant of bail and those governing its cancellation are distinct and are not interchangeable.

Source: *The considerations for the grant of bail and for cancellation of the same are altogether different.*

Authority: Section 497(5), Code of Criminal Procedure, 1898; PLD 1995 SC 34

Bail granted by a Court of competent jurisdiction will be cancelled only on strong and exceptional grounds, namely those enumerated in Sami Ullah's case.

Source: *Once the bail is granted by a Court of competent jurisdiction, then strong and exceptional grounds would be required for cancellation thereof.*

Authority: Sami Ullah's case (2020 SCMR 1115); PLD 1995 SC 34

On an application for cancellation, the Court interferes on two grounds only: that the impugned order is perverse on the face of it, or that the case has been decided in clear disregard of the settled principles of law.

Source: the principles evolved for examining the bail granting order for purposes of its cancellation are that the Court shall interfere on two grounds

Authority: Rab Nawaz's case (2025 SCMR 1357)

OPERATIVE ORDER

The Court declined to interfere with the impugned order granting pre-arrest bail and dismissed the petition in limine as being bereft of merit. Approved for reporting.

■ [View Full Judgment](#)

Sindh High Court

2 judgments

LIMITATION ACT 1908 ARTS. 91, 120, 142; QANUN-E-SHAHADAT ORDER 1984 ARTS. 90-92, 126, 129(E); REGISTRATION ACT 1908 S.17; PAKISTAN DEFENCE OFFICERS HOUSING AUTHORITY ORDER 1980 — OFFICIAL DOCUMENTS CARRY A PRESUMPTION OF GENUINENESS AND ARE PRESUMED TO BE WITHIN THE KNOWLEDGE OF THE ADVERSARY, AND AN INSTRUMENT IS CONSTRUED BY ITS SUBSTANCE AND NOT BY THE LABEL OF RELINQUISHMENT

Air Vice Marshal Muhammad Afzal v. Sqdn. Ldr. (R) K.A. Chaudhry and 4 others

APPEAL DISMISSED; JUDGMENT AND DECREE OF THE LEARNED SINGLE JUDGE MAINTAINED WITH COSTS THROUGHOUT; REPORTED AS 2026 SHC KHI 1548

High Court Appeal No. 375 of 2018; 2026 SHC KHI 1548 (against the judgment dated 12.09.2018 and decree dated 28.09.2018 in Suit No. 910 of 1996) · Bench: Justice Muhammad Faisal Kamal Alam (authoring the judgment of the Court); Justice Sana Akram Minhas (Division Bench, High Court of Sindh at Karachi) · Decided: Heard 20.01.2026 and 04.02.2026; judgment dated 18.08.2026 at Karachi · Uploaded: 18.08.2026

FACTS

The appellant sued in 1996 for declaration, cancellation, possession, compensation and permanent injunction in respect of Plot No. 91, 26th Street, Phase-VI, DHA, Karachi measuring 2000 square yards, contending that the plot had been allotted to him and that he had paid the entire price through respondent No.1, who was then posted in Karachi. He claimed to have learnt of the transfer only in 1996, when in reply to his request for demarcation the DHA informed him by letter dated 13.07.1996 that the plot had been transferred to respondent No.1 on the basis of a letter dated 26.10.1970 and had subsequently been sub-divided into three plots at respondent No.1's request. The private respondents pleaded that the appellant had relinquished the plot to respondent No.1 for a consideration of Rs.10,000/- by an agreement dated 18.04.1969 (Exh. 5/8) and an affidavit (Exh. 5/9), that the initial deposit of Rs.5,200/- had been made by respondent No.1, and that the plot had been in their exclusive ownership and possession since the transfer of 1970-71, with transfer orders and a B-Lease issued in favour of the daughters. The evidence disclosed that the appellant's own cheque of Rs.5,200/- had been dishonoured in 1966 and the receipt cancelled; that the appellant had written on 10.04.1967 acknowledging that he had asked respondent No.1 to deposit Rs.5,000/- on his behalf; that a marginal witness (DW-1) deposed to execution of the agreement in his presence; that between 1969 and 1994 the appellant had no correspondence with the DHA about the plot; and that when he did write in February 1994 he asked for a commercial plot rather than enquiring about the suit plot.

LEGAL ISSUE

Whether the suit was barred by limitation; whether the suit plot had been invalidly transferred to respondent No.1 in 1971 without the appellant's consent and knowledge; and who was the actual owner — in particular, whether the agreement and affidavit relied upon amounted to a relinquishment deed requiring compulsory registration under section 17 of the Registration Act, 1908.

HOLDING

The Division Bench held that the burden of proof concerning ownership lay on the appellant under Article 126 of the Qanun-e-Shahadat Order, 1984, the respondents having been in possession for decades. Almost all

the documents relied upon by the respondents were official documents attracting the presumption of genuineness under Articles 90 to 92, together with the presumption under Article 129(e) that official acts are regularly performed, and that presumption was not displaced. As a further rule, public records are presumed to be within the knowledge of the adversary; the transfer order of 1971 being a public document, the appellant is assumed to have had ample knowledge of it. The suit having been filed in 1996, some twenty-five years later, it was hopelessly time-barred, the prescribed periods for restoration of possession, declaration and cancellation of a document being twelve, six and three years under Articles 142, 120 and 91 respectively. On the merits, the existence and execution of the agreement and the two affidavits were proved; the agreement recorded a loan of Rs.10,000/- for the purchase of the plot on terms that either the loan with 7% interest be returned or, if the appellant chose not to retain the plot, it would be transferred to respondent No.1 against that amount. Neither the agreement nor the affidavit could be declared a relinquishment deed requiring registration; substance and not form governs the interpretation of a document, and the mere use of the word 'relinquish' in the affidavit could not make it one, the appellant having already transferred his interest before its execution. The agreement was in truth a sale transaction simpliciter, containing offer, acceptance and consideration, and such an arrangement may even be made orally; the affidavit was executed pursuant to Bye-Law No. 15(4) and no registration was shown to be required. The appellant's testimony was self-contradictory and his credibility impeached by denial of his own signatures, and his claim was belied by the documentary evidence, particularly the official record.

LEGAL SIGNIFICANCE

The judgment is a full-dress treatment of three recurring themes in Karachi property litigation. On evidence, it applies the presumption of genuineness attaching to official documents and, importantly, the corollary that public records are presumed to be within the knowledge of the opposing party — which supplies the starting point for limitation and forecloses the familiar plea of belated discovery. On limitation, it identifies the applicable Articles for possession, declaration and cancellation, and holds a suit filed twenty-five years after a public transfer order to be hopelessly barred. On construction, it distinguishes the line of authority on compulsory registration of relinquishment deeds (Faheem Saeed, Ghulam Fatima, Hashmat Ali) by looking to substance rather than form: an instrument recording a loan and a conditional transfer against consideration is a sale simpliciter, not a relinquishment, and does not attract section 17 of the Registration Act, 1908. The Court's remarks on the appellant's denial of his own signatures, and its approval of the costs imposed below, are a reminder that credibility findings will follow a litigant on appeal.

LEGAL PROPOSITIONS (VERBATIM)

- *it is also a rule with regard to such public record, that they are presumed to be in knowledge of the adversary.*
- *It is an established rule, that the substance and not the form is to be seen while interpreting a document.*
- *is in fact a sale transaction simpliciter, because, it has all the basics of a contract, viz. offer, acceptance and sale consideration.*

LEGAL PRINCIPLES EXPOUNDED

Public records are presumed to be within the knowledge of the adverse party, so that a registered or official transfer order sets time running against a claimant who alleges belated discovery.

Source: *it is also a rule with regard to such public record, that they are presumed to be in knowledge of the adversary.*

Authority: *Articles 90 to 92 and 129(e), Qanun-e-Shahadat Order, 1984*

The periods of limitation for seeking restoration of possession, declaration and cancellation of a document are twelve, six and three years respectively, and a suit filed a quarter of a century after the impugned transfer is hopelessly time barred.

Source: *is twelve years, six years and three under Articles 142, 120 and 91*

Authority: *Articles 91, 120 and 142, Limitation Act, 1908*

A document is construed by its substance and not by its form; the mere use of the word 'relinquish' does not convert an instrument into a relinquishment deed requiring compulsory registration.

Source: *It is an established rule, that the substance and not the form is to be seen while interpreting a document.*

Authority: Section 17, Registration Act, 1908; *Fahim Saeed v. Mst. Yasmeen* (2018 CLC 478); *Allah Diwaya v. Ghulam Fatima* (PLD 2008 SC 73); *Haji Hashmat Ali v. Manzoor Ahmed* (2004 SCMR 1545)

An arrangement containing offer, acceptance and consideration is a sale transaction simpliciter and may be made even orally; registration is not required to complete a transfer effected under the housing authority's bye-laws.

Source: is in fact a sale transaction simpliciter, because, it has all the basics of a contract, viz. offer, acceptance and sale consideration.

Authority: Registration Act, 1908; Pakistan Defence Officers Housing Authority Order, 1980 (President's Order No. 7 of 1980), Bye-Law No. 15(4)

OPERATIVE ORDER

The points for determination were answered against the appellant: the suit was barred by the Limitation Act, 1908; the transfer of the suit plot in favour of respondent No.1 and the subsequent transfers in favour of the private respondents were validly made after completion of the requisite formalities; and respondent No.1 was the actual owner who competently transferred the suit plot and its bifurcated portions to the private respondents, who are the present lawful owners. The observation of the learned Single Bench imposing costs was held justified, no interference was required in the impugned judgment, and the appeal was dismissed. The private respondents were held entitled to costs throughout.

■ View Full Judgment

BOARD OF REVENUE ACT 1957 S.8; SINDH LAND REVENUE ACT 1967 S.161; CONSTITUTION OF PAKISTAN 1973 ART.199 — THE BOARD OF REVENUE HAS NO SUO MOTU POWER OF REVIEW, A REVIEW APPLICATION MUST BE FILED WITHIN NINETY DAYS, AND REVIEW JURISDICTION CANNOT BE USED AS A RETRIAL

Muhammad Tasleem Rajput v. Province of Sindh and others

CONSTITUTIONAL PETITION ALLOWED; IMPUGNED REVIEW ORDER SET ASIDE AS UNLAWFUL AND WITHOUT JURISDICTION; REPORTED AS 2026 SHC SUK 1551

C.P. No. D-419 of 2019; 2026 SHC SUK 1551 (High Court of Sindh, Bench at Sukkur) · Bench: Justice Mohammad Osman Ali Hadi (authoring the order of the Court), sitting in a Division Bench · Decided: 18.08.2026 · Uploaded: 18.08.2026

FACTS

An original order dated 18.11.1998 passed by respondent No.3 cancelled land entries Nos. 213-A and 215-A V-F.VII of deh Abid Jagir. The petitioner's appeal under section 161 of the Sindh Land Revenue Act, 1967 succeeded, an appellate order dated 27.05.2016 setting aside the original order in his favour. Thereafter respondent No.2, purporting to act under section 8 of the Board of Revenue Act, 1957 in a matter registered as S. Review No. 19/2018, passed the impugned order dated 09.01.2019 overturning the appellate order and restoring the cancellation of the entries. The petitioner's case was that no review petition had in fact been filed and that respondent No.2 had taken the matter up suo motu, a power not conferred by section 8. The respondents contended that the Board did hold suo motu powers and that the controversy involved disputed questions of fact not amenable to constitutional jurisdiction. No copy of any review petition was produced before the High Court. The impugned order itself acknowledged that the review was time-barred but proceeded on the footing that the matter was one of 'public importance', and asserted that the record revealed 'clear cut forgery and fabrication'.

LEGAL ISSUE

Whether section 8 of the Board of Revenue Act, 1957 confers a suo motu power of review on the Board; whether a review filed some two years after the order under review could be entertained without condonation; and whether the reasons given for exercising review jurisdiction were legally sufficient.

HOLDING

The Court held that on a plain reading of section 8 the power of review is subject to a review application being filed by a person aggrieved by a decree or order of the Board, and the section contains no provision granting suo motu powers; it can therefore be taken that suo motu powers were specifically excluded by the legislature, the statute not providing for them. Section 8(2) prescribes ninety days from the date of the decree

or order, whereas the review appeared to have been filed in 2018 against an appellate order of 27.05.2016, a delay of about two years. The impugned order itself admitted that the review was time-barred yet proceeded without showing any condonation, and the basic principle that each day's delay must be explained went entirely unmentioned. The assertion that the matter was one of 'public importance' was made without any explanation of what the public importance was or under what facet of law it could justify condonation, and such a general statement is not acceptable without a legal rationale. The second reason, that the record revealed clear-cut forgery and fabrication, was equally unparticularised, the order being silent as to what the forgery or fabrication was or how it satisfied the requisites for invoking review. It is trite law that review under section 8 can be invoked only in very specific circumstances, such as where there is an error so glaring that a mere perusal of the judgment would show that a different conclusion ought to have been reached; a review is not a retrial or a routine rehearing, and the jurisdiction is extremely limited and to be used sparingly.

LEGAL SIGNIFICANCE

The order is a clear statement that the Board of Revenue's review jurisdiction under section 8 of the Board of Revenue Act, 1957 is application-driven and time-bound. Three propositions of practical use emerge: first, the absence of an express conferment of suo motu power is treated as a deliberate legislative exclusion, so that a revenue order reopened without an application is without jurisdiction; secondly, the ninety-day limitation in section 8(2) is real, and an order which acknowledges the time-bar but neither condones the delay nor explains the condonation is bad; thirdly, generalised invocations of 'public importance' or of 'forgery and fabrication' are not a substitute for reasons — the order must identify what the public importance or the forgery consists of and how the requisites of review jurisdiction are satisfied. Read with the Supreme Court's insistence in Crl.A. 400/2025 on a culture of justification, the two decisions in this window together mark a firm judicial insistence on reasoned orders.

LEGAL PROPOSITIONS (VERBATIM)

- *Therefore, it can be considered that suo moto powers were specifically excluded by the legislature since the statute does not provide for the same.*
- *A Review is not a retrial or a routine matter to re-hear a case.*
- *The Review jurisdiction is extremely limited in stature, and ought to be used sparingly, only when / if the perimeters defined are strictly met, which has not been done in the Impugned Order.*

LEGAL PRINCIPLES EXPOUNDED

Section 8 of the Board of Revenue Act, 1957 confers a power of review exercisable only upon an application by an aggrieved person; the absence of any provision for suo motu review indicates a deliberate legislative exclusion of such power.

Source: *Therefore, it can be considered that suo moto powers were specifically excluded by the legislature since the statute does not provide for the same.*

Authority: Section 8, Board of Revenue Act, 1957

An application for review must be made within ninety days of the decree or order, and an order which admits that the review is time-barred but records no condonation, and does not explain the delay, cannot stand.

Source: Section 8(2) BORA 1957 *ibid.* clearly provides that limitation for filing a Review Application is ninety (90) days from the date of a Decree / Order.

Authority: Section 8(2), Board of Revenue Act, 1957; Limitation Act, 1908

Review lies only where an error is so glaring that a mere perusal of the judgment would show that a different conclusion ought to have been reached; it is neither a retrial nor a routine rehearing and the jurisdiction is to be used sparingly.

Source: *A Review is not a retrial or a routine matter to re-hear a case.*

Authority: Section 8, Board of Revenue Act, 1957; 2018 CLC 1268

OPERATIVE ORDER

The Court held that the impugned order had been taken up in a manner beyond its legal mandate, contrary to section 8 of the Board of Revenue Act, 1957, was time barred without any proper explanation for condonation, and provided no illumination to substantiate the alleged illegalities said to have been committed by the appellate order. The impugned order was found unlawful and without jurisdiction and was accordingly set aside, and the petition was allowed.

■ [View Full Judgment](#)
