

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Ghulam Rabbani

CPs 1049, 1348 and 1406 of 2009
And HRC 1827-P & 12388/09

Syed Rahat Mehmood (in CP 1049/09)
Muhammad Akhtar (in CP 1348/09)
Muhammad Farooq Ansari (in CP 1406/09)
Petitioner (s)

Versus

NAB thr. Its Chairman and others
...Respondent(s)

For the petitioner(s): Syed Rahat Mehmood in person
(in CP 1049/09)

Mr. Amin K. Jan, ASC
With petitioner Muhammad Akhtar
(in CP1348/09)

Rai Muhammad Nawaz Kharal, ASC
With petitioner M. Farooq Ansari
(in CP 1406/09)

Respondents: Mr. Shah Khawar, DAG

Mr. Sultan Mansoor Chaudhry, Acting P.G. NAB
Dr. Asghar Rana, ADPG, NAB
Mr. Naveed Ahsan, Chairman NAB
Col (R) Tarqi Mehmood Bhatti, I/o

For RDA: Mr. Bashir Awan

Date of hearing: 19.02.2010

ORDER

After passing order in judgment dated 16th December, 2009 in the case of Dr. Mobashir Hassan Vs. Federation of Pakistan (PLD 2010 SC 1) appearance of the representatives/prosecutors on behalf of the NAB in different cases has become irregular, except in few cases wherein one of the Prosecutors is appearing regularly and during the hearing of this case we have noticed that despite allowing sufficient time to the NAB no progress has been made and Mr. Sultan Mansoor, Acting Prosecutor General, who appeared, also could not answer satisfactory as to why the

matter was not settled so far. Therefore, we have summoned the Chairman, NAB in the Court and asked him as to why, in pursuance of the Judgment in the case of Dr. Mobashir Hassan (ibid) the Prosecutor General and Additional Prosecutor General, have not been removed, so the new incumbent may take the charge for effective prosecution of the cases and appear before this Court as well as other Courts. He states that he was under the impression that all this was to be done by the Attorney General or by the Ministry of Law. It is pointed out to him that action was to be initiated from his office and he would perform his duty in respect of action which was required to be taken in the light of the judgment of 17 Members Bench, referred above. He requests that time be given to him so he may start performing his part of obligation from today onward. It may be cleared that if no action relevant to his performance is taken by him, the coercive measures including attachment of his salary will be taken and directions will be made that no one on behalf of the NAB should appear unless the compliance of the judgment with regard to the Prosecutor General and Additional Prosecutor General is made. However, we give him a chance on his assurance that all necessary steps shall be taken in this regard. He is directed to appear on the next date of hearing and submit progress report in respect of the observations made in the case of Dr. Mobashir Hassan(ibid)

2. Despite clear directions no progress has been made in satisfying the claims except that according to Mr. Tariq Mehmood Bhatti I/O, NAB he has registered claims of about 11000 people from whom amount was taken by Syed Rahat Mehmood. In this regard, a report has also been submitted by the NAB.

3. Malik Bashir Awan appeared on behalf of RDA to whom notice was given in view of the statement of Syed Rahat Mehmood. He is interested to purchase the property owned by accused. Learned counsel states that the claim so put forward by the accused is not correct as in the Adyala village, where the RDA intends to acquire the land for the purpose of building a city, he had only a small portion of land i.e. 2 kanals. In this behalf Syed Rahat Mehmood has offered flimsy explanation, which exfacie, is not relevant for the disposal of the claims of the claimants because he alongwith other co-accused persons are responsible to satisfy their claims. He has however, requested that if two weeks' time is given to

him, he would be in a position to come out with a positive result. At his request, case is adjourned to 12.3.2010.

Chief Justice

Judge

Judge

Islamabad, the
19 February, 2010
Nisar/*