Court	Special Court (Central), Islamabad
Date	4 December 2023
Document	Order
Case reference	Bribery case (FIR lodged 8 March 2023)
Outcome	Acquitted. The Special Court acquitted the accused after the prosecution admitted that no evidence had surfaced.
Pages	3
Key excerpt	*The prosecutor and the investigating officer "categorically stated … that no evidence against the accused facing trial has surfaced."*

30-10-2024

PAKISTAN
COURT FEE

IN THE COURT OF SPECIAL JUDGE CENTRAL, FIA(ACC), ISLAMABAD

Shoaib Ahmed Shaikh son of Bashir Ahmed Shaikh R/o House No. 141, 29th Street, Khayaban-e-Qasim, Phase VIII DHA, Karachi

...PETITIONER

VERSUS

1. The State.
2. Additional Registrar, Islamabad High Court, Islamabad.

...RESPONDENTS

CASE / FIR NO.13/2023, DATED 08.03.2023, OFFENCE U/S 161, 165-A, 109 PPC R/W 5(2) PCA 1947, P.S. FIA (ACC) ISLAMABAD

APPLICATION UNDER SECTION 265-K CR.P.C. FOR THE ACQUITTAL OF ACCUSED / APPLICANT

30-X-2

Respectfully Sheweth,

1. That the applicant was falsely involved in the titled case who is facing the agony of trial without there being any iota of evidence against him and the matter is fixed for 24.10.2023 before this Honorable Court.

2. That the petitioner is innocent and have falsely been implicated in the case with malafide intentions and to achieve ulterior motives, whereas he has nothing to do with alleged crime.

3. That report under Section 173 Cr.P.C. has already been submitted before this Honorable Court, which is even silent so far as the role of the applicant, prima facie establishes that the case against the applicant is of no evidence and there is no probability of conviction of accused / applicant rather continuous trial would amount to abuse of the due process of Courts and the law.

C.T.C

P.S.
Special Court (C
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4. That the learned Judicial magistrate has also failed to appreciate that even the petitioner has not been nominated in the referral of the High Court in any manner whatsoever rather it has been stated that a Brigadier ISI namely Tahir Wafai has allegedly paid the amount of bribery to the Ex-Additional District & Session Judge Islamabad but

IN THE COURT OF SHAHRUKH ARJUMAND, JUDGE, SPECIAL COURT CENTRAL ISLAMABAD

State through Additional Registrar of Islamabad High Court, Islamabad.

Complainant

Vs

Shoaib Ahmad Sheikh son of Bashir Ahmad Sheikh, r/o House No. 141, Street No. 29 DHA Phase-8, Karachi.

Accused

APPLICATION UNDER SECTION 265K CrPC IN CASE FIR NO. 13/2023 DATED 08.03.2023 U/S 161, 165A, 109PPC READ WITH 5(2) OF PCA 1947, REGISTERED AT P.S. FIA/ACC ISLAMABAD.

Order

04.12.2023

Present; Naila Noreen Advocate for accused

An application for exemption of accused Shoaib Ahmad Sheikh submitted. The grounds mentioned in the application seem genuine, therefore, same is allowed and accused is exempted for today.

02 Arguments on the application submitted by accused for his acquittal, I have already heard while record perused today.

03. Facts of the matter are that upon conclusion of inquiry No. 08/2018, it transpired that Pervaiz-ul-Qadir Memon, Ex. Additional District & Sessions Judge, Islamabad illegally received gratification of Rs. 50,000,00/ (Fifty Lacs Rupees) for the acquittal of Shoaib Ahmad Sheikh, CEO Axact company (accused facing trial) in case titled *State vs Shoaib Ahmad Sheikh registered through FIR No. 56/2015 of P.S Cyber Crime Circle, Islamabad*. The act thus constitutes offenses of misuse of authority for illegal personal gains and criminal misconduct, therefore, case in hand was registered against the judge and accused facing trial.

04. The present accused was arrested in the case who was later on released on bail vide order dated 15.03.2023 and on the completion of investigation, report under section 173 CrPC was filed in the court. Accused on his first appearance in the court filed the application under consideration on 30.10.2023.

C.T.C

P.S. Special Court (CC) Islamabad 05 DEC 2023

05. The learned special public prosecutor namely Syed Ashfaq Hussain Naqvi alongwith Rana Shahid Habib, AD/FIA who has investigated the case categorically stated on 20.11.2023 before the court that no evidence against the accused facing trial has surfaced, therefore, they have got no

04.12.23

objection upon his acquittal. They also have stated that no material incriminating evidence is available against Pervaiz-ul-Qadir Memon, Ex. Additional District & Sessions Judge of Islamabad Judicial Service.

06. I have perused the record in light of statements of prosecutor and Investigating Officer which depict that no evidence surfaced against accused, whereof he tried to have given any bribe for his acquittal to the Ex. Judge and as such the charges cannot succeed. It is also pertinent to mention that in case FIR No. 56/2015 registered at P.S Cyber Crime Reporting Circle, Islamabad, accused Shoaib Ahmad Sheikh had already been acquitted by Islamabad High Court, Islamabad on 22.11.2023. Attested copy of the judgment was tendered today by the counsel for accused which is placed on record. Acquittal order passed by the ex-Judge in said case was the basic reason for the registration of this case and when the accused had already earned acquittal on merits in that case from hon'ble Islamabad High Court then this case against the accused is also shattered.

07. With the above observations, by accepting application, accused Shoaib Ahmad Sheikh is acquitted from the charges. His surety be absolved from liability of bail bonds. Case property, if any, be dealt in accordance with law while this file be consigned to records.

Announced.
04.12.2023.

Special Judge Central
Islamabad

CERTIFICATE

It is certified that this Order consists of 02 pages which has been dictated, corrected and signed by me.

Special Judge Central
Islamabad

JUDGE
Special Court (Central)
Islamabad

of application: 1403
of application: 04/12/23
of Preparation: 06/12/23
of Delivery: 06/12/23
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ISLAMABAD

06 DEC 2023

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Special Court (Central)
Islamabad

06 DEC 2023