

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE ASIF SAEED KHAN KHOSA  
MR. JUSTICE MAQBOOL BAQAR

CRIMINAL APPEALS NO.1-K TO 3-K OF 2018

(Against the order dated 28.11.2017 of the High Court of  
Sindh, Karachi passed in Spl. Cr. ATA Nos.25, 24 &  
19/2013 & CrI.R.A.No.40/2014)

Muhammad Jibran Nasir and others

... Appellant(s)  
(In all cases)

VERSUS

The State and others

... Respondent(s)  
(In all cases)

For the appellant(s): Mr. Faisal Siddiqi, ASC  
(In all cases)

For respondent No.1/ Mr. Zafar Ahmed Khan, Addl.P.G.  
State: Mr. Mukhtar Ahmed, DSP, Praid, Karachi

For respondent No.2: Sardar M. Latif Khan Khosa, Sr. ASC  
(In CrI.A.1-K/2018) Respondent No.2 in person

For respondent No.2: Syed Iqbal Hussain Gillani, ASC  
(In CrI.A.2-K/2018)

For respondents 2 & 3: Mr. Farooq H. Naek, Sr. ASC  
(In CrI.A.3-K/2018) Mr. Mehmood Akhtar Qureshi, ASC  
Respondents No.2 and 3 in person

On Court's notice: Mr. Ashtar Ausaf Ali,  
Attorney General for Pakistan

Dates of hearing: 31.1.2018 & 1.2.2018


ORDER

MIAN SAQIB NISAR, CJ.- These appeals are converted  
into a Suo Motu Case under Article 184(3) of the Constitution with a  
direction to the office to assign a number thereto as such.

2. For reasons to be recorded later the case is disposed of  
with the following orders:

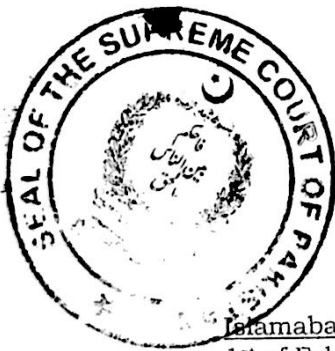
- i) The common judgment passed by a learned Division  
Bench of the High Court of Sindh, Karachi on 28.11.2017  
in Special Criminal ATA No.19 of 2013, Special Criminal

**ATTESTED**

  
Court Associate  
Supreme Court of Pakistan

ATA No.24 of 2013, Special Criminal ATA No.25 of 2013, Criminal Revision Application No.40 of 2014 and Confirmation Case No.1 of 2013 is set aside.

- ii) The order passed by the said Court in the above mentioned matters remanding the relevant criminal case to a court of ordinary jurisdiction for a *de novo* trial as well as all the post-remand proceedings before the trial court are also set aside.
- iii) Special Criminal ATA No.19 of 2013, Special Criminal ATA No.24 of 2013, Special Criminal ATA No.25 of 2013, Criminal Revision Application No.40 of 2014 and Confirmation Case No.1 of 2013 shall be deemed to be pending before the High Court of Sindh, Karachi and the same shall be finally decided on their merits at the Court's earliest convenience, preferably within a period of two months by another bench of the High Court to be constituted by the Chief Justice of the Court.
- iv) The accused persons convicted in the relevant criminal case by an Anti-Terrorism Court are ordered to be retaken into custody as their admission to bail during the post-remand proceedings was nullity in the eyes of law. Our order dated 13.1.2018 putting the names of the accused on the ECL shall continue to hold the field till the time the main matters remanded to the High Court are finally disposed of.



Islamabad, the  
1<sup>st</sup> of February, 2018  
Not Approved For Reporting  
Waseem Naseer

sd- Mian Saqib Nisar, H.C.J.  
sd- Asif Saeed Khan Khosa, H.J.  
sd- Maqbool Baqar, H.J.

Certified to be True Copy

7/2/18  
Court Associate  
Supreme Court of Pakistan  
Islamabad