

IN THE COURT OF SPECIAL JUDGE (CUSTOMS, TAXATION &
ANTI-SMUGGLING), KARACHI

BEFORE :

Sadaf Asif
(Judge)

Crime No. Appg/05/DCI/R & A/FIR/Hassan Steel/2022

The State V/sMuhammad Amin Mithani & others

Mr. ZainA. Jatoti advocate for the applicants/accused
Ms. Fauzia Rasheed, Special Prosecutor for the State

ORDER

25-02-2022


- (1) By this order I dispose of post arrest bail application filed on behalf of applicants/accused namely Muhammad Amin Mithani and Usama Mithani.
- (2) Notice of this application was given to the learned Special Public Prosecutor for the State.
- (3) Heard the arguments and perused the record.
- (4) The I.O himself in his Interim charge sheet stated that there was no difference in declared and assessed PCT headings, quantity, quality, origin, CF value of the goods. The I.O further stated that custom's duty leviable was Rs.3,325,168/ and the same has been paid. Complete amount towards duties & taxes of Rs.8,078,496/ has been paid to the National Exchequer towards subject import but the I.O has alleged that more additional Sales Tax & Income Tax was to be paid but has been evaded by the applicants by changing/tampering in the name of importer's company and its status from commercial importer to manufacturer. This additional liability is without prior issuance of any notice or demand notice. This amount is not adjudged amount though three years have been passed and unsupported by any audit of post clearance. At this score the case is of further enquiry but at the same time it is important to mention here that the raid was conducted by the seizing team in the night hours i.e. 4:00 am not at factory or business address of the applicants/accused but at the residential address. It is again important to mention here that locks were broken open by the seizing team before entering in to the premises. This was done as per prosecution's case for recovery/seizure of important document but very unfortunately not a single word is available in the entire charge sheet, what important document is seized from the premises. The I.O present before this court is unable to state what important document is collected during this mid night residential search. Secondly search warrant was

for seizure of documents then how accused were arrested even prior to lodging of the FIR and serving of notice under section 171 of the Customs Act, 1969 which is to be replied by the complainant.

(5) In view of above circumstances and reasons, the above named applicants/accused are admitted on bail subject to furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac) each and P.R. Bonds of the like amount to the satisfaction of this Court.

(6) As argued during this mid night raid at the residence of the applicant video of ladies and family members was also made. Needless to mention that the saddest thing in the world is playing with dignity of a woman. A probe is to be carried out by the Director (I & I) regarding this allegation, whether it really had happened ? The probe report is to be submitted before this court. Copy of the order be sent to the Chairman and Member Legal, Federal Board of Revenue, Islamabad.

Announced in open Court
Given under my hand and seal of this Court, this 25th day of
February, 2022


(Sadaf Asif)
SPECIAL JUDGE
(CUSTOM, TAXATION & ANTI-SMUGGLING)
KARACHI