



# K.M RAJPAR & ASSOCIATES

ADVOCATES & LEGAL CONSULTANTS

TRUST IS OUR PRIORITY

Ledger No. AVO-10488-SBC-KHS

Member Sindh High Court Bar K-1315

KHALID MEHMOOD RAJPAR

FBR Attorney for Customs Intelligence,  
Enforcement, Appraisalment & IRS

DSP Prosecution ANF (Former)

LLM, M.A., PGD (Ireland UK)

Date: \_\_\_\_\_

Ref.: \_\_\_\_\_

Date: 23-08-2024

1. **Honorable Chief Justice**  
Supreme Court of Pakistan  
Constitution Avenue, Islamabad

2. **Honorable Chief Justice**  
High Court of Sindh  
Saddar, Karachi

3. **Member Inspection Team**  
High Court of Sindh  
Saddar, Karachi

Honorable Sirs

**Subject: Complaint of misconduct and corruption by Mr. Sohail Jabbar Malik  
Special Judge-I (Customs, Taxation and Anti-Smuggling) at Karachi**

I write to bring to your notice the unlawful conduct of Mr. Sohail Jabbar Malik, Special Judge-I (Customs, Taxation & Anti-Smuggling) Karachi ("the learned Judge"), who has been acting in connivance with persons nominated in criminal cases and their lawyers.

1. That the learned Judge vide Orders dated: 06-08-2024 (specimen Order annexed) acquitted accused persons in six (6) different FIRs and vide the said Orders also went on to direct release of the goods as were the subject of the seizures. Thereafter, notwithstanding the period of sixty (60) days being statutorily prescribed for filing of appeals, preparation whereof is underway, in less than two weeks of issuance of the Order(s), the parties in five (5) cases filed applications under Contempt of Court Ordinance 2003 for non-compliance of the direction to release the goods against several alleged contemnors, including three officials of the DG I&I-Customs, namely, Saud Hassan Khan, Ali Khan and Sami Niazi ("my clients").

2. I appeared before the learned Judge, on behalf of my clients, today on 23-08-2024, and informed him that his issuance of the Notices under the Contempt of Court Ordinance 2003 was as illegal and without-jurisdiction as his direction, in the acquittal Order(s), to release the subject goods. However, not only did he refuse to receive, much less read, the Supreme Court's binding decisions on the subject (that in criminal proceedings under the Customs Act, the goods cannot be released since these are the subject of adjudication proceedings), he demonstrated strange conduct in asking the private alleged contemnors (warehouse keepers, who are also the prosecution witnesses in the cases) to release the goods thus violating Section 168(1) of the Customs Act, 1969.

Email: kmrajpar@gmail.com Ph: +92-300-363-8824

... High Court, but their said petitions were





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3. That upon my protest that what he was doing was illegal and thus *Coram Non Judice*, the learned Judge boasted with disdain that "... my orders are paramount". While exhibiting his harsh and abrasive attitude towards me, the learned Judge kept consulting the parties' lawyers, who, being established lawyers in the field of Customs, knew well that what they were seeking on their client's behalf was illegal but kept pleading and coaxing the learned Judge to forthwith release the goods anyhow and anyway. The case was then adjourned to 24-08-2024 at 12:00 noon with directions to me to ensure presence of my clients at the given date and time.

4. That the learned Juge has been clearly acting in such unbecoming manner for extraneous considerations and wants the goods released – notwithstanding the pendency of adjudication proceedings wherein the same parties and the same lawyers (instrumental in filing the contempt applications) have submitted their replies – even before the period of filing of appeals (i.e. 60 days) has lapsed indeed for the reason that he knows that his direction for release of the goods cannot sustain before the appellate forum.

5. That the conduct of the learned Judge, as highlighted herein as well as in the annexed comments already dispatched to the court address, is unworthy of a judge and scandalizes and brings into disrepute the institution of judiciary but also makes it a laughing-stock for such wrong-doers, and their facilitators, who get away with their crimes cheerfully poking fund at the law enforcers.

I, accordingly, seek your kind indulgence in taking notice of the matter in which the learned Judge is operating the court and having gotten R&Ps of Cases (FIRs Nos. 4258/2024, 4259/2024, 4260/2024, 4261/2024, 4262/2024 & 4263/2024) to see for yourselves how a member of lower judiciary is laying to waste the efforts of the higher judiciary in restoring the rule of law in the country and to take strict disciplinary action against the learned Judge.

Yours faithfully

Khalid Mehmood Rajpar  
Advocate High Court



**BEFORE THE SPECIAL JUDGE-I (CUSTOMS TAXATION  
& ANTI-SMUGGLING) AT KARACHI**

FIR No. M-4258/2024

Asifa Khalid & another.....Applicants

Versus


Saud Hassan Khan & others.....Alleged Contemnors

**COMMENTS BY THE COUNSEL OF THE THREE  
OFFICIAL ALLEGED CONTEMNORS**

That the comments by the undersigned Counsel as to the Contempt Application as well as the conduct of the learned Special Judge-I (Customs, Taxation & Anti-Smuggling) at Karachi ("the learned Judge") are as under: -

1. That the undersigned counsel appeared before the learned Judge on 23.08.2024 and questioned his jurisdiction under the Contempt of Court Ordinance 2003, upon which he sought advice from the other parties' lawyers, who asserted that he had jurisdiction under the 2003 Ordinance and that is why they had moved contempt applications.
2. That the learned Judge then having threatened the undersigned counsel with an action under Section 228 PPC, then adjourned the case for the next day (on 24.08.2024 at 12:00 noon) with direction to ensure that the alleged contemnors are present failing which NBWs would be issued through ACC-FIA against them as well as their superiors.
3. That during the hearing the learned Judge also directed the other private alleged contemnors (warehouse keepers, who are all prosecution witnesses) to ignore Section 168(1) of the Customs Act 1969 (thus breaching the conditions of superdari) and to release the goods to the accused persons stating further that "... my orders are paramount".
4. That in the garb of the contempt proceedings the learned Judge is aiming to enforce his direction (vide Acquittal Order dated: 06.08.2024) to release the goods despite the fact that he has no domain over the goods under the Customs Act, 1969, fate whereof is to be decided on the civil side (i.e. adjudication proceedings).
5. That in directing release of the goods, the learned Judge violating Article 189 of the 1973 Constitution by deliberately "ignoring" the Supreme Court's judgments in the cases of *Adam vs. Collector of Customs* (PLD 1969 SC 441), *Collector vs. Rahim Din* (1987 SCMR 1840) and *GoP vs. Mahmood Ahmed Qureshi* (2002 SCMR 1527).
6. That where the courts exercise caution by not-releasing sureties before the lapse of appeal period, the learned Judge is demonstrating strange urgency attempting to enforce his *Coram Non Judice* Order/direction as to release of goods, thus appearing more keen to release the goods than the owners of the goods.
7. That the undersigned counsel has neither communicated nor will communicate to his clients the so-called "directions", which, though could only be deemed as unlawful and naked threats, should not be complied with on account of a Judge being bent upon misusing his authority and bringing ignominy to his office. CCTV footage from the courtroom camera should confirm the veracity of allegations made herein.
8. That these comments are being dispatched to the learned Judge as well as the honourable Chief Justice Supreme Court of Pakistan, Chief Justice of Sindh High Court and Member Inspection Team, Sindh High Court for the purpose of looking into the conduct of the learned Judge and take appropriate action against him in the interests of the rule of law and not in the least, for the very institution of the judiciary. (courier's receipts and "covering letter" are annexed for the record of the learned Judge).

Karachi  
Date: 23.08.2024

  
KHALID MEHMOOD RAJJAR  
ADVOCATE FOR THE ALLEGED  
CONTEMNORS NOS. 1, 2 & 3