

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. 10 of 2023

FILED ON 02-01-2023

*[Signature]*  
Additional Registrar (Wri)

Khawaja Muhammad Zubair  
son of Khawaja M A Wadood  
Having office at  
Suite No. 419, 4<sup>th</sup> Floor,  
The Cotton Exchange Building,  
I.I. Chundrigar Road,  
Karachi

Petitioner

Versus

1. **Federation of Pakistan**  
Ministry of National Food Security & Research  
Department of Plant Protection,  
Through Director General,  
3<sup>rd</sup> Floor, B-Block, Pakistan Secretariat,  
Islamabad
2. **Department of Plant Protection Pakistan**  
through Secretary,  
having office at,  
Jinnah Avenue,  
Malir Halt,  
Karachi
3. **Directorate Intelligence and Investigation**  
through Director General,  
having regional office at,  
81-C, Block No.6, P.E.C.H.S.,  
Karachi
4. **Province of Sindh**  
Through Secretary Home Department,  
Government of Sindh  
Sindh Secretariat, Kamal-Ata-Turk Road,  
Karachi
5. **Station House Officer**  
Police Station Docks,  
Karachi



Respondents

Constitutional Petition under Article 199 of the Constitution, 1973

It is most respectfully and most humbly

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-10 of 2023

Date

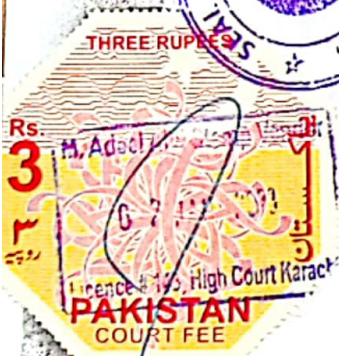
Order with signature of Judge

- 1.For order on Misc. No.37/2023
- 2.For order on Misc. No.38/2023
- 3.For order on Misc. No.39/2023
- 4.For hearing of case

02.01.2023

Mr. Rehan Kiyani, Advocate for the Petitioner a/w M/s. Shariq A. Razzak & Muhammad Altaf, Advocates.

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1. Urgency granted.
  2. Exemption granted subject to all just exceptions.
  - 3-4. Learned counsel for the petitioner submits that the petitioner is operating a pre-shipment inspection agency duly accredited in accordance with law and in respect of a consignment of pesticides, petitioner's firm performed analysis of the consignment from the country of export which report is available at page 139. Learned counsel submits that when the consignment arrived in Pakistan it was also put to analysis as per law by the government agency where certain discrepancy was found, which was confronted to the petitioner. Learned counsel states that seemingly, the samples were not properly collected, therefore, resulted in divergent findings having been given by the government analyst, and while the petitioner was intending to challenge the said finding under Section 18 of the Agricultural Pesticides Ordinance, 1971 which provides remedy in these circumstances where such a report could be



challenged within thirty (30) days, while the petitioner having already filed a suit bearing No.1947 of 2022 where no coercive action was ordered by the learned single Judge through order dated 14.12.2022, respondent No.2 has chosen to proceed against the petitioner and have lodged FIR No.678/2022 P.S. Docks. Learned counsel states that the said FIR is infested with malafide and aims to deprive the petitioner from his valuable rights of appeal given under the Agriculture Pesticides Ordinance, 1971, which remedy the petitioner intends to avail, however requests that under the circumstances at hand, the respondents be restrained in proceeding with the subject FIR.

Let notice be issued to the respondents as well as AAG for



In the meanwhile operation of the FIR No.678/2022 P.S. Docks, Karachi to remain suspended.

2/- Salahuddin Panhwar  
Judge  
2/- Zulfikar Ahmad Khan  
Judge

THE HIGH COURT OF SINDH, KARACHI  
CERTIFIED TO BE TRUE COPY

(MUHAMMAD SARFARAZI)  
J.C. ASSISTANT REGISTRAR (COPYING)  
Adil Arab

03-01-2023

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03/01/23  
CORRABING BY/  
OFFICE ASSOCIATE

(MUHAMMAD SARFARAZI)  
J.C. ASSISTANT REGISTRAR (COPYING)