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Lahore

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'Referee judge' appointed in Sharifs case

LAHORE

The Lahore High Court chief justice on Tuesday appointed Justice Sheikh Najamul Hassan as "Referee Judge" to render its decision on three petitions filed by Ittefaq Foundries of Sharifs challenging the NAB inquiry.

The CJ issued the order after both judges of the division bench hearing the petition had differed with each other in their decision.

Justice Khawaja Imtiaz Ahmad and Justice Farrukh Irfan Khan at the Rawalpindi Bench heard three petitions - titled Ittefaq Foundries Limited, Hudabia Papers and Shahmim Akhtar versus Federation of Pakistan, National Accountability Bureau and accountability court judge, Rawalpindi. Justice Khawaja Imtiaz ruled that NAB could not initiate an inquiry afresh against Sharifs while Justice Khan was of the view that NAB could start investigation again.

So, senior Judge Justice Khawaja referred the matter to Chief Justice Umar Ata Bandial who by invoking his powers under relevant rules nominated Justice Sheikh Najamul Hassan to decide the matter. The bench had already issued a stay order, restraining NAB from initiating inquiry against Sharifs. The legal experts say the referee judge will have to agree to the decision of one of the judges and the matter will be finally disposed of at the LHC level with a majority of 2-1.

Nawaz papers: Election tribunal of the Lahore High Court has been requested, though an appeal, to cancel the nomination papers of PML-N chief Nawaz Sharif for NA-120 Lahore earlier accepted by the returning officer.

The appeal has been moved by Afshan Ameeruddin, sister of Arif Ameer alias Tipu Truckaan Wala who was assassinated on January 22, 2010 in Lahore. The appellant, also a candidate from PP-140, stated, through Mian Hanif Tahir advocate and Mian Asad Mahmood advocate, that the returning officer of NA-120 had dismissed the objections raised by her and failed to understand the paragraphs 14 and 15 of the judgment, issued by the Supreme Court in Asghar Ali Khan case. She pointed out that the apex court had observed, in its judgment, that legal proceedings should be initiated against the politicians who allegedly had received 'donations' to spend on election campaign in 1990s elections.

"Therefore, transparent investigation on the criminal side should be initiated by the FIA against all of them and if sufficient evidence is collected, they would be sent up to face the trail according to law," she quoted the SC observations in her appeal.

Afshan said the apex court judgment was binding upon all the judicial and executive authorities, including the Election Commission of Pakistan. She said the returning officer had also failed to exercise his legal obligations to see the conduct of PML-N chief who was illegally occupying the property, owned by her and her two other sisters. She alleged that Nawaz Sharif was a defaulter in terms of articles 62 and 63 of the constitution.

She requested the LHC election tribunal to accept her appeal and cancel the nomination papers by setting aside Ro's order.

Mustafa Ramday, the counsel for PML-N chief, had earlier defended the objections before the RO by arguing that no inquiry had been initiated by the FIA and the matter was pending for investigation before the agency. Following, these arguments RO Sajjad Ahmad dismissed the objections and accepted the nomination papers of PML-N chief.



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