

FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

Present:

JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE ALI BAQAR NAJAFI

F.Crl.A.23/2026

*[against the order dated 30.04.2026 passed by
the Islamabad High Court, Islamabad in C.M.
No.340/2025 in Criminal Appeal No.64/2025]*

Bushra Imran

...Appellant(s)

Versus

The State & another

...Respondent(s)

For the Appellant(s) : Barrister Salman Safdar, ASC

For the Respondent(s) : N.R.

Date of Hearing : 14.10.2026

O R D E R

AMIN-UD-DIN KHAN, CJ.- The instant appeal is barred by 61 days, for which the appellant has filed Crl.M.A. No.5023/2026 seeking condonation of delay. The explanation furnished therein, particularly the appellant's incarceration at Central Jail, Adiala, Rawalpindi, constitutes sufficient cause warranting condonation. Accordingly, the delay of 61 days in filing the appeal is hereby condoned, Crl.M.A. stands disposed of.

2. Through the instant appeal filed under section 32-A of the National Accountability Ordinance, 1999, the appellant has assailed the order dated 30.04.2026 passed by the Islamabad High Court in C.M. No.340/2025 in Criminal Appeal No.64/2025, whereby her application under section 426 read with section 561-A of the Code of Criminal Procedure, 1898 (Cr.P.C.), seeking suspension of the sentence awarded by the learned Judge, Accountability Court No.1, Islamabad, vide judgment dated 17.01.2025, pending final adjudication of the appeal, was dismissed.

3. Learned counsel for the appellant contends that the application for suspension of sentence remained pending on

account of successive adjournments sought by the National Accountability Bureau (NAB), which were allowed by the High Court. During its pendency, the main appeal was also fixed for hearing; however, the application for suspension of sentence was eventually dismissed vide the impugned order dated 30.04.2026. Learned counsel further submits that the appeal involves a voluminous record and intricate questions requiring elaborate arguments and considerable time for adjudication. It is contended that the precedents of Supreme Court relied upon by the High Court are distinguishable on facts and have, therefore, been erroneously applied. Placing reliance upon CHAIRMAN, NATIONAL ACCOUNTABILITY BUREAU, ISLAMABAD through Prosecutor-General Accountability, Islamabad Vs. Mian MUHAMMAD NAWAZ SHARIF and 2 others (PLD 2019 SC 445), learned counsel maintains that mere fixation of the main appeal for hearing does not constitute an absolute legal impediment to the suspension of sentence, nor does it dispense with the Court's obligation to examine the application on its own merits in accordance with the settled principles governing the exercise of discretion under section 426, Cr.P.C.

4. We have heard the learned counsel for the appellant and examined the impugned order. It transpires that the High Court, without entering into the merits of the application under section 426, Cr.P.C., declined suspension of sentence principally on the ground that the main appeal had already been fixed for hearing and learned counsel for the appellant was not extending the requisite assistance towards its adjudication. The record further reflects that the appeal, initially fixed for 30.04.2026, was subsequently adjourned to 07.05.2026 and thereafter to 05.10.2026.

5. The principal grievance urged by learned counsel for the appellant pertains to the repeated adjournments allegedly sought by the National Accountability Bureau (NAB), resulting in prolongation of the proceedings on the application for suspension of sentence. Be that as it may, the main appeal having already been fixed for hearing, the appropriate course would be to secure

its expeditious adjudication rather than undertake a parallel examination of the merits of suspension of sentence at this stage. The appellant's assertion that the appeal involves a voluminous record necessitating elaborate arguments does not, by itself, furnish sufficient justification for interference with the impugned order. It is, therefore, incumbent upon learned counsel for the appellant to extend full assistance to the High Court in the hearing of the main appeal, whereafter NAB shall be equally obligated to advance its arguments without seeking unwarranted adjournments.

6. In the foregoing circumstances, we find no sufficient ground warranting interference with the impugned order at this stage. We, however, expect that the High Court shall endeavour to decide the main appeal, affording both sides adequate opportunity of hearing while discouraging unnecessary adjournments. Consequently, the instant appeal is dismissed, with the aforesaid observations.

CHIEF JUSTICE

JUDGE

Islamabad,
14.10.2026
Not approved for reporting
RajaAhsan/-