

## PECA: A THREE-YEAR REVIEW

### NOTE ON THE TEXT

The data below has been compiled over two years i.e. May 2017 to August 2019. It has been put together by observing trials in Karachi on a weekly basis, reviewing information available online in case diaries and files where available, and by verifying court records where accessible and possible. Below is a summary of the findings.

### TIMELINE

August 11, 2016	PECA passed by the National Assembly
August 18/22, 2016	PECA receives the assent of the President of Pakistan/is published in the Extraordinary Gazette
September 9, 2016	Cabinet Division approves designation of the FIA as the investigation agency under PECA
September, 2016	First complaint registered under PECA (Converted into an FIR on 04 October 2016). This case is still pending
March 31, 2017	Law division issues notification setting up designated courts under PECA
May 2017	Re-registration of cyber crime cases under PECA – cases transferred to designated courts
30 November 2017	First judgement in a PECA case i.e. The case was instituted in the designated court on 4.05.2017. FIR No. 26/2016 was registered on 14.10.2016.
August 7, 2018	Prevention of Electronic Crimes Investigation Rules, 2018 published in the Extraordinary Gazette

Figure I: Record up to date until 31 August, 2019

### CASES IN KARACHI

Court	Total Cases	Jail	Bail	Acquittals	Convictions	Absconder
Central Karachi	9	1	7	-	-	-
East Karachi	26	4	14	5	1	2
South Karachi	11	2	8	1	-	-
West Karachi	2	-	-	2	-	-
Malir Karachi	5	-	5	-	-	-
<b>Total</b>	<b>54</b>	<b>7</b>	<b>34</b>	<b>8</b>	<b>1</b>	<b>2</b>

Figure II: Record up to date until 31 August, 2019

Figure II: This table lists the number of cases pending in every district of Karachi. 54 cases are pending in Karachi. 7 accused in the cases are in jail custody, 34 are out on bail. 8 accused have been acquitted while there has been 1 conviction. In 2 cases the accused have absconded. The status in the rest of the cases is unknown.

### RE-REGISTRATION OF CASES UNDER PECA

Some cases were re-registered under PECA after the passage of the law while others were not.

For example in PPC 142/2017, Sections 500, 504, 506, 509 and 34 of PPC along with Section 25 of the Telegraph Act were replaced with Sections 21 and 20 of PECA and Sections 419, 109 and 34 of the PPC while Passport/Foreign Act 1200/2015 proceeded and was disposed off under Sections 36 and 37 of Electronic Transactions Ordinance 2002.

### PROCESS OF ASSIGNING SECTIONS IS RANDOM

Similar cases are proceeding under different sections of law in different Courts. For Example, PPC 141/2017 pending under sections 21 PECA read with 419 PPC is proceeding before Magistrate's Court while Police/FIA/Theft Acts 947/2017 pending under 21 PECA read

with 500 PPC is proceeding before Session Courts.

### **ADDITION OF PPC SECTIONS TO THE CHARGESHEET ALONG WITH PECA**

PPC sections are routinely added to the chargesheet along with sections of PECA in violation of superior court judgments. For example, Section 20 of PECA are also charged with Section 500 of PPC.

In 2016 SCMR 447, it was held that the FIA cannot charge private litigants (who are not government officials) with offences under the PPC.

### **FIA'S PERFORMANCE**

#### **1. FIA Facilitating Compromises**

##### **a. NOCs submitted to enable bail of the accused**

For example:

- i. PPC 141/2017
- ii. PPC 142/2017

##### **b. Compromises are facilitated at initial stages – even in non-compoundable cases. Weakening of cases at the evidence stage by giving vague and contradictory statements. For example in PPC 141/2017, the complainant remarked in her statement during her cross-examination:**

- i. "It is correct that I do not know the details of case in which I have come for cross-examination".
- ii. "It is correct to suggest that FIA conducted all their investigation on their own and did not keep us (complainants) in loop".

#### **2. Causes of Delay**

##### **a. PECA cases pending before magistrates are mostly adjourned due to:**

- i. Absence of FIA Prosecutor

For example in PPC 142/2017:

Total Hearings	= twenty	(20) hearings
FIA Prosecutor's presence	= Three	(3) hearings
FIA Prosecutor's absence	= sixteen	(16) hearings
FIA Investigation Officer's presence	= Two	(2) hearings
FIA Investigation Officer's absence	= Thirteen	(13) hearings
Attendance remains unmarked for the rest of the days.		

In Court Diary in Police/FIA/Theft Acts 1498/2017

- Learned Prosecutor was ordered to take stringent measures and to proceed with the case smoothly seven (7) times, out of which five (5) times the same was also ordered against the accused party.
- Bailable Arrest Warrants were issued against the witnesses nine (9) times.

Judge's remarks recorded in Court Diary in Police/FIA/Theft Acts 1271/2018

- "Due to the absence of the prosecutor, case has suffered unjustified adjournments."
- "Issue NBWs against the IO"
- "Issue BWs against the IO"

##### **ii. Non-production of case property**

For example in PPC 223/2017:

Total Hearings	= fifty-five	(55) hearings	
Adjournments		due	to
non-production of case property	= twenty	(20) hearings	

##### **iii. Non-Submission of Forensic Evidence**

In PPC 126/2017 (FIR 24/2016) the accused's lawyer refused to proceed with the case until the FIA submitted the forensic report. In PPC 142/2017 (FIR 26/2016 dated 01.01.2016) the accused's lawyer demanded a fresh investigation on account of absence of forensic evidence and the final challan. The accused have been acquitted in this case.

### **NEGLIGENCE OF THE INVESTIGATION AGENCY**

#### **1. In Police/FIA/Theft Acts 1306/2017:**

FIR Registered = 12 March 2017  
Charge Framed = 24 August 2017

Reason = Investigation officer (IO) who, when he submitted the challan, forgot to submit personal P.R. bond

## 2. Loss of evidence in Police/FIA/Theft Acts 947/2017

This was one of the first cases to be registered under Section 21 of PECA in Karachi. Before the trial even began, the police file went “missing.” No electronic or paper copy of file was produced. The complainant wrote repeatedly to the FIA and various other forums for recovery and reconstruction of the file. She filed C.P. 2332/2019 against the FIA’s negligence and loss of evidence in April 2019. After being put up before several benches, on 18.09.2019 the SHC ordered the IO to produce the police papers. On the same date, police papers were submitted to the SHC. Directions were issued by the SHC to the trial court to conclude the trial within two months on 30.09.2019. To date, only two prosecution witnesses have appeared and been examined – one of them includes the complainant herself. While the forensic report has been submitted, to date, the police papers have not been exhibited as evidence.

Details	Date
Registration of FIR	04.10.2016
Copies supplied to the accused	03.08.2017
Charge framed	10.08.2017
Adjournments due to want of police papers	11 adjournments
Examination-in-chief of complainant conducted	07.06.2018 and 10.01.2019
Cross-examination of complainant conducted	07.02.2019
Hearings since the evidence of the complainant recorded	30 hearings (i.e. 07.02.2019)
Hearings since HC Order of bail application not pressed (directing the trial court to conclude trial within two months)	13 hearings
Hearings for an order to be passed on application u/s 540 CrPC	5 hearings
Second witness (Deputy Director FIA) examined	26.09.2019, tenth (10th) hearing since the order dated 04.07.2019, and twenty-seventh (27th) hearing since the evidence of the complainant was concluded on 07.02.2019
Bail granted to the accused by Sessions Court	27.09.2019
Hearings since HC Order to conclude trial within 2 months and submit compliance report in FIA negligence case dated 30.09.2019	2 hearings
Total Hearings (Since case transferred to Sessions)	85 hearings in total (until 18.10.2019)

## WAYS / MEANS OF CASE DISPOSALS IN KARACHI

Disposals	11
On merit	5
By compromise	2
U/S 249 CrPC	2
In abeyance	2

Case disposals “on merit” means the accused was tried and the trial was completed as per procedure. “By compromise” means a compromise application was submitted by parties, considered and accepted by the Court. Disposals under Section 249 CrPC mean the Court stopping proceedings at any stage and releasing the accused. Meanwhile cases in which the accused have absconded in have been categorized as “in abeyance.”

## MISAPPLICATION OF LAW

1. Enquiry no. 415/2018 dated 05 November 2018 was initiated by the FIA against “Climate X (Private) Limited” for allegedly defaming “Byco Petroleum Pakistan Limited” under Section 20 of PECA. It is important to note that Section 20 PECA pertains to “the dignity of a **natural** person” and a petroleum company is not a natural person. The parties later entered into a compromise and the complaint was withdrawn by Byco Petroleum Pakistan Limited
2. FIR 06/2019 was disposed of as C-class the Magistrate held that “the scope of Section 20 PECA is restricted to the natural persons.” He further added that “the word natural person is defined in the Black’s law dictionary as “a living human being who is capable of having rights and performing their duties concurrently. In other words, a human being, a natural person as distinguished from a person created by the operation of law such as juristic or legal or artificial person””. Section 20 was also

not attracted as the aggrieved person was not the complainant, rather an unconcerned third party alleged “defamation.”

3. In PPC 141/2017, in which accused was charged with Section 21 PECA, the complainant said in her statement during cross-examination:

“It is correct that there were no nude pictures of me on fake Facebook ID”

“It is correct that I have not seen any nude pictures of mine which FIA claims to have found in fake ID”.

## **SECTION 22 CRPC COMPLAINTS AGAINST FIA**

A Criminal Miscellaneous Application No. 401/2019 was filed in Sessions Court East Karachi for non-registration of FIR of a complaint pending with FIA since 2016.

A Criminal Miscellaneous Application No. 424 of 2019 was filed in Sessions Court East Karachi against an inspector of FIA who was accused of beating the applicant. The applicant argued that he was forced into signing a statement of guilt into an enquiry pending against him. This application was later withdrawn after the enquiry pending against the applicant was closed.

### **160 SUMMONS SENT BY THE FIA**

Standard template and vague summons U/S 160 of the CrPC are issued by the FIA. Typically, the summon provides only the Enquiry Number and date those summoned are required to appear at the FIA office to answer questions. The summon makes the assumption that they are already “well acquainted” with the facts/nature of the case and instructs them to bring all relevant documents, warning non-compliance will result in legal action. The summons often do not contain a description of the allegation or charge, yet require the person summoned to appear at the FIA office – often in another city – with all relevant documents. Requests for a copy of the complaint and transfer of investigation to their city of residence have been responded to by the issuance of more summons – again without any description of the allegation or charge or provision of a copy of the complaint.

FIA cites authorization for inquiries and investigations under the FIA Act 1974 for offences under PECA which is illegal as FIA has been designated as the investigation agency under Section 29 of PECA and is bound by procedures “under the Act.” PECA is special law and hence procedures under it prevail.

Rule 7 of the Prevention of Electronic Crimes Investigation Rules, 2018, is titled “Investigation and case procedure.” With reference to Rule 7 of the Prevention of Electronic Crimes Investigation Rules, 2018, Rule 7(4) requires the circle in-charge to seek legal opinion and lodge a case after the approval of the Additional Director of the zone, which would result in an FIR. Where the case is non-cognizable, as per Rule 7(5), the circle in-charge must seek the permission of the competent court for investigation under Section 155 of the CrPC. Section 160 of the CrPC also pertains to an investigation, not inquiry. In a case where permission was sought retrospectively by the FIA – after wrongfully initiating the investigation prior to seeking permission – the application was moved and signed by the Enquiry Officer whereas Rule 7(5) clearly states it must be “the circle in-charge” who seeks the permission of the competent court.

Rule 10 makes provision for transfer of investigation to another zone if the Additional Director, after recording reasons in writing, deems it necessary.

## **NEED FOR TRAININGS OF JUDICIAL OFFICERS**

Under Section 46 of PECA the courts are empowered to appoint amicus curiae or seek independent expert opinion on any matter connected with a case pending before it. It is recommended that trainings be held at judicial academies especially for designated judicial officers under PECA to equip them with technical knowledge and expertise and to better understand the procedures laid down in the law and Rules.

For Example:

- Confusion between “Messenger” and “Facebook inbox” (PPC 683/2017). In this case during the cross-examination of the complainant, the complainant was asked whether she took screenshots of messages received by her from “Messenger” or “Facebook inbox”. The judge asked the complainant whether she took the screenshots from “Facebook inbox” or “Facebook wall” - inbox is private while the wall is visible to others. The complainant, confused by the questions put to her, ended up saying she didn't know where she took screenshots of the conversation from.
- Sessions Court’s acceptance of compromise in a case of non-compoundable offence (Police/FIA/Theft Acts 81/2019)
- Magistrate’s imposition of a fine of one million on complainant for submitting NOC for accused’s bail/acquittal in a Section 21 case (FIR 19/2019 East Karachi)
- Permitting investigation/enquiry under Section 20 PECA for defaming a company (Enquiry No. 415/2018 Byco vs Climate X)

## **RECORD OF ADJOURNMENTS**

IV. RECORD OF ADJOURNMENTS until 31 August, 2019

Sr No.	Cases	Court	Pending in Courts / First Institution Date in Courts	Institution Date in the current Court	Stage	Cased Called	Attendance and consequent adjournments						Notes
							Investigation Officer (IO)			Prosecutor			
							Present	Absent	Note	Present	Absent	Note	
1	PPC 142/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	January 2017----- x----- FIR January 2016 as per record available	May 2017	Disposed off	20	2	13	-	3	16	-	- (No forensics were submitted till the end)
2	PPC 1145/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	March 2017	06 July, 2017	Disposed off	28	17	11	-	4	24	-	-
3	Police/FIA/Theft Acts 1258/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	20 July 2017 as per record available	20 July 2017	Disposed off	38	23	A4+L1	Unmarked Attendance for the rest of the days	4	20	Unmarked Attendance for the rest of the days	8 adjournments due to want of case property
4	PPC 141/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	January 2017	04 May 2017	Disposed off	66	36	13	Unmarked Attendance for the rest of the days	6	52	Unmarked Attendance for the rest of the days	4 adjournments due to want of case property
5	PPC 223/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	January / February 2017	May 2017	Evidence	55	21	30	Unmarked Attendance for the rest of the days	2	52	Unmarked Attendance for the rest of the days	20 adjournments due to want of case property Case diary: "Issue letter to DG FIA ensure presence of FIA prosecutor and copy send to Honourable District and Sessions Judge Karachi East. Repeat BW of FIA officials."
6	PPC 126/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	January 2017----- x----- FIR August 2016	May 2017	Evidence	59	25	32	Unmarked Attendance for the rest of the days	5	45	Unmarked Attendance for the rest of the days	14 adjournments due to want of case property. Case Diary Contents: 1. "As the case is not being proceeded due to non-availability of case property." 2. <b>Repeat letter to DG FIA</b> ensure presence of FIA prosecutor and copy forwarded to Honourable District and Sessions Judge Karachi East.
7	Police/FIA/Theft Acts 2148/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	FIR is dated 14 November 2017	December 2017	Disposed (Dormant) Method: Other Disposal Type: Kept in Abeyance/Dormant By: Order NIL	9	7	1	-	no record available	no record available	-	-

8	Police/FIA/Thrift Acts 2036/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	18 November 2017 as per court record ---x----- FIR 01 January 2017 as per court record	18 November, 2017	Evidence	56	38	12	Unmarked Attendance for the rest of the days	10	37	<p>3 adjournments due to want of case property.</p> <p>Case Diary:</p> <ol style="list-style-type: none"> <li>1. "Issue letter to DG FIA ensure presence of AD Legal FIA &amp; copy forwarded to Honourable District and Sessions Judge Karachi East."</li> <li>2. ". Issue letter to DG FIA ensure presence of AD Legal FIA &amp; copy forwarded to Honourable District and Sessions Judge Karachi East."</li> <li>3. "Issue letter to DG, FIA ensure presence of FIA prosecutor"</li> <li>4. "Issue letter to Addl. Director FIA to ensure presence of AD Legal FIA on next date of hearing."</li> <li>5. "Issue letter to Addl. Director FIA to ensure presence of AD Legal FIA on next date of hearing."</li> <li>6. "Issue letter to Addl. Director FIA to ensure presence of AD Legal FIA on next date of hearing."</li> <li>7. "Issue letter to Addl. Director FIA to ensure presence of AD legal FIA on next date of hearing."</li> <li>8. "Issue letter to DG FIA ensure presence of AD Legal FIA &amp; copy forwarded to Honourable District and Sessions Judge Karachi East."</li> <li>9. "Issue letter to DG FIA ensure presence of AD Legal FIA &amp; copy forwarded to Honourable District and Sessions Judge Karachi East."</li> </ol> <p>Unmarked Attendance for the rest of the days</p>
9	Police/FIA/Thrift Acts 2070/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	23 November 2017 as per court record	23 November 2017 as per court record	Evidence	52	14	26	Unmarked Attendance for the rest of the days	3	38	<p>Case Diary:</p> <ol style="list-style-type: none"> <li>1. "Matter is next fixed on 16-08-2018 for arguments of PTA and AD legal FIA as last and final chance. Issue letter to Director FIA to ensure appearance of AD legal on next date of hearing"</li> </ol> <p>Issuance of letters were ordered to DG FIA five (5) times, to Additional Director FIA four (4) times and to Director FIA twice against absence of FIA prosecutor.</p> <p>Unmarked Attendance for the rest of the days</p>

10	PPC 683/2017	Civil Judge & Judicial Magistrate I, Karachi (East)	April 2017 as per record available-----x-----Enquiry since August/September 2016 as per sources	04 May 2017	Evidence	57	33	23	Unmarked Attendance for the rest of the days	6	50	Unmarked Attendance for the rest of the days	Court Diary Contents: <ol style="list-style-type: none"> <li>1. Issuance of bailable warrants of Rs.1000/- against IO were ordered six (6) times.</li> <li>2. Issuance of letters were ordered seven (7) times to DG FIA and Additional Director FIA both to ensure the appearance of FIA prosecutor</li> <li>3. Issuance of last and final notice to prosecution for production of witnesses was ordered three (3) times.</li> <li>4. Process upon witnesses u/s 87 &amp; 77 CrPC ordered nine (9) times.</li> </ol>
11	Police/FIA/ Theft Acts 386/2018	Civil Judge & Judicial Magistrate I, Karachi (East)	FIR dated 07 February 2018	28 February, 2018	Disposed Method: Merit/Contested Disposal Type:Kept in Abeyance /Dormant By:Order NIL	27	8	13	Unmarked Attendance for the rest of the days	2	21	Unmarked Attendance for the rest of the days	Court Diary Contents: <ol style="list-style-type: none"> <li>1. "Issue letter to Addl. Director FIA to ensure appearance of FIA Prosecutor."</li> </ol>
12	PPC 288/2019	Civil Judge & Judicial Magistrate I, Karachi (East)	FIR is dated 01 January 2019	09 February 2019	Evidence	34	3	19	Unmarked Attendance for the rest of the days	5	24	Unmarked Attendance for the rest of the days	Case Diary Contents: <ol style="list-style-type: none"> <li>1. "ISSUE LETTER TO IO FOR PRODUCTION OF CASE PROPERTY. ISSUE LETTER TO DG FIA ENSURE PRESENCE OF FIA PROSECUTOR."</li> <li>2. "Issue letter to FIA prosecutor to appear for hearing on bail application through Incharge of FIA Cyber Crime Circle."</li> <li>3. "Repeat letter to FIA prosecutor to appear for hearing on bail application through Incharge of FIA Cyber Crime Circle."</li> <li>4. "Repeat letter to FIA prosecutor to appear for hearing on bail application through Incharge of FIA Cyber Crime Circle."</li> <li>5. "Repeat letter to AD legal FIA through Incharge of FIA Cyber Crime Circle."</li> <li>6. "ISSUE LETTER TO IO FOR PRODUCTION OF CASE PROPERTY."</li> <li>7. "Issue letter to AD legal FIA for his appearance and hearing on bail application."</li> <li>8. "Issue letter to AD legal FIA for his</li> </ol>





13	PPC 126/2019	Civil Judge & Judicial Magistrate I, Karachi (East)	FIR is dated 14 December 2018	15 January 2019	For Evidence	32	no record available	no record available	no record available	no record available	no record available	no record available	<p>Court Diary Contents:</p> <ol style="list-style-type: none"> <li>1. "This Court took cognizance in non-cognizable offence(s) therefore order(s) granting bail to accused persons, while treating the matter as bailable have become infructuous, therefore the same order(s) are to be treated as infructuous. The surety(ies) submitted in consequences of order(s) granting bail to accused persons, by this court while treating the matter as bailable, are to be treated discharged, on the date on which accused persons obtained pre-arrest bail from Honourable District and Sessions Court after order dated 15.01.2019."</li> <li>2. "issue letter to DG-FIA ensure presence of FIA prosecutor"</li> <li>3. "issue letter to DG-FIA ensure presence of FIA prosecutor..."</li> <li>4. "Concern PS fails to submit the report on application U/s 516-A CrPC. Process issued but not returned... Repeat call report letters of application U/s 516-A CrPC."</li> <li>5. "Report on application U/s 516-A CrPC... and application for return of personal belonging... not submitted by the concerned police station. Letter to SHO for calling report on above applications handed over to SI Akbar Khan Masood."</li> <li>6. "Issue show cause to SHO FIA for non-submission of report on U/s 516-A."</li> <li>7. "Report on application U/s 516-A CrPC... and application for return of personal belonging... not submitted by the concerned police station... Issue letter to SHO regarding submission of application U/s 516-A CrPC."</li> </ol>
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														8. "Report on application U/s 516-A CrPC... not submitted by the concerned police station. Application U/s 516-A CrPC of Accused Muhammad Nadeem is allowed... Issue letter to SHO regarding submission of application U/s 516-A CrPC."
14	PPC 1070/2019	Civil Judge & Judicial Magistrate I, Karachi (East)	no record available	no record available	no record available	no record available	no record available	no record available	no record available	no record available	no record available	no record available	no record available	no record available
15	Police/FIA/Thrift Acts 947/2017	Sessions Court, Karachi (East)	23 June 2017 as per record available-----x----- - Case pending since October 2016 as per sources	24 June 2017	Evidence	78	14	4	Unmarked Attendance for the rest of the days	48	22	-	11 Adjournments due to want of police papers  Court Diary Contents: 1. "Issue NBW against the PWs"	
16	Police/FIA/Thrift Acts 1044/2017	Sessions Court, Karachi (East)	07 July 2017 as per record available-----x----- -FIR Regime January 2016 as per available	07 July 2017	Evidence	47	9	1	Unmarked Attendance for the rest of the days	28	18	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "Issue NBW against the PWs..." 2. "Issue NBW against the PWs..."	
17	Police/FIA/Thrift Acts 1104/2017	Sessions Court, Karachi (East)	12 July 2017 as per record available-----x----- -FIR April 2017 as per sources	26 August 2017	Evidence	63	19	no record available	Unmarked Attendance for the rest of the days	38	14	Unmarked Attendance for the rest of the days	2 adjournments due to want of case property	
18	Police/FIA/Thrift Acts 129/2018	Sessions Court, Karachi (East)	FIR 11 October 2017 as per record available	31 October 2018	Disposed Method: Compromise Disposal Type: Compromised By: Order Cr.Pc. [ 345 (6) ] - Hearing of Misc. Applications	15	no record available	5	Unmarked Attendance for the rest of the days	7	5	Unmarked Attendance for the rest of the days	Case Diary: 1. "Call I/O"... 2. "Call I/O"... 3. "Call I/O"... 4. "Call I/O"... 5. "Call I/O"... 6. "Call I/O"... 7. "Call I/O"... 8. "Prosecutor of FIA is absent. Report is not received from FIA. Office is directed to call report from FIA on application for return of personal search articles."	
19	Police/FIA/Thrift Acts 1306/2017	Sessions Court, Karachi (East)	FIR is dated 12 March 2017	10 August 2017	Evidence	72	12	3	Unmarked Attendance for the rest of the days	27	13	Unmarked Attendance for the rest of the days	-	

20	Police/FIA/Theft Acts 1095/2018	Sessions Court, Karachi (East)	FIR 04 July 2018 as per record available	08 August, 2018	Evidence	38	2	1	Unmarked Attendance for the rest of the days	22	11	Unmarked Attendance for the rest of the days	-
21	Police/FIA/Theft Acts 1250/2018	Sessions Court, Karachi (East)		11 September 2018	Evidence	20	no record available	8	Unmarked Attendance for the rest of the days	11	2	Unmarked Attendance for the rest of the days	-
22	Police/FIA/Theft Acts 81/2019	Sessions Court, Karachi (East)	FIR is dated 12 December 2018	12 January 2019	Disposed Method: Compromise Disposal Type: Compromised By: Order Cr.Pc. [ 345 (6) ]	12	1	-	Unmarked Attendance for the rest of the days	6	1	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "Issue Show cause notice to the prosecutor FIA through director FIA."
23	Police/FIA/Theft Acts 1997/2018	Sessions Court, Karachi (East)	FIR is dated 30 April 2018	15 January 2019	Formal Cases	13	-	-	Unmarked Attendance for the rest of the days	8	1	Unmarked Attendance for the rest of the days	-
24	Police/FIA/Theft Acts 656A/2018	Sessions Court, Karachi (East)	FIR is dated 15 January 2018	31 October 2018	Evidence	29	-	2	Unmarked Attendance for the rest of the days	16	4	Unmarked Attendance for the rest of the days	-
25	Police/FIA/Theft Acts 625A/2018	Sessions Court, Karachi (East)	FIR is dated 17 April 2018	31 October 2018	Disposed Method: Other Disposal Type: Acquitted By: Order NIL	14	2	no record available	Unmarked Attendance for the rest of the days	8	2	Unmarked Attendance for the rest of the days	-
26	Police/FIA/Theft Acts 1636/2018	Sessions Court, Karachi (East)	FIR is dated 17 October 2018	12 November 2018	Evidence	18	-	-	Unmarked Attendance for the rest of the days	8	1	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "Prosecutor of FIA is present, police papers not available to him... Call police papers from the concerned."
27	Prevention of Electronic crime Act, 2016 1498/2017	Civil Judge & Judicial Magistrate I, Karachi (Central)	18 August 2017 as per court record ---x----- FIR is dated 01 January 2017 as per court record	18 August, 2017	Evidence	114	41	27	Unmarked Attendance for the rest of the days	67	31	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "Learned Prosecutor is again absent despite of issuance of direction/letter." 2. "Matter was called repeatedly at 11:00 am, 11:30 am, 12:00 pm, 12:30 pm & 01:00 pm but prosecutor of the FIR called absent, while application U/S 249/249-A Cr.P.C is pending." 3. "Copies of the bail application has already been supplied through IO"



													<p>witnesses i.e. both IOs through Deputy Director FIA.”</p> <p>15. “Issue BWs against the remaining witnesses i.e. both IOs through Deputy Director FIA.”</p> <p>16. “Issue BWs against the remaining witnesses i.e. both IOs through Deputy Director FIA.”</p> <p>17. “Issue BWs against the remaining witnesses i.e. both IOs through Additional Director of FIA.”</p>
28	<p><b>Prevention of Electronic crime Act, 2016</b> <b>1271/2018, S.Akhlaq Hussain V/S M.Rizwan Khan &amp; 4 Others</b></p>	<p>Civil Judge &amp; Judicial Magistrate I, Karachi (Central)</p>	<p>FIR is dated 01 January 2018</p>	<p>07 August 2018</p>	<p>Evidence</p>	<p>35</p>	<p>16</p>	<p>15</p>	<p>Unmarked Attendance for the rest of the days</p>	<p>19</p>	<p>4</p>	<p>Unmarked Attendance for the rest of the days</p>	<p>Court Diary Contents:</p> <ol style="list-style-type: none"> <li>1. "Due to absence of the prosecutor, case has suffered unjustified adjournments."</li> <li>2. "Issue NBWs against the IO"</li> <li>3. "Issue BWs against the IO"</li> <li>4. "...with strictly direction to the IO, produce case property"</li> <li>5. "...with strictly direction to the IO, produce case property"</li> <li>6. "...with strictly direction to the IO, produce case property"</li> <li>7. "...with strictly direction to the IO, produce case property"</li> <li>8. "...with strictly direction to the IO, produce case property"</li> <li>9. "Issue BW against the remaining PWs, with strictly direction to the IO, produce case property along with witnesses."</li> <li>10. "Issue BW against the remaining PWs, with strictly direction to the IO, produce case property along with witnesses"</li> <li>11. "Issue BW against the remaining PWs, with strictly direction to the IO, produce case property along with witnesses."</li> <li>12. "Issue BW against the remaining PWs, with strictly direction to the IO, produce case property along with witnesses."</li> <li>13. "Issue BWs against the remaining PWs, with strictly direction to the IO, produce case property along with remaining witnesses."</li> </ol>

29	Prevention of Electronic crime Act, 2016 928/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	FIR is dated 12 December 2018	01 April 2019	Evidence	11	4	7	-	6	5	-	-
30	Prevention of Electronic crime Act, 2016 927/2019, Kainat Altaf-ur-Rehman V/S M.Umar Ghori	Civil Judge & Judicial Magistrate I, Karachi (Central)	FIR is dated 31 October 2018	01 April 2019	Evidence	11	1	6	Unmarked Attendance for the rest of the days	6	5	Unmarked Attendance for the rest of the days	-
31	Prevention of Electronic crime Act, 2016 1175/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	17 December 2018	13 May 2019	Evidence	8	-	6	Unmarked Attendance for the rest of the days	2	4	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "IO failed to submit copies for supplying to accused persons... IO failed to provide copies Us. 241-A Cr.PC for accused persons, despite of direction of this Court, therefore, office is directed to issue show cause notice against the IO." 2. "IO failed to submit copies for supplying to accused persons despite of issuance show cause notice... Issue show cause notice against the IO through Deputy Director of FIA."
32	Prevention of Electronic crime Act, 2016 1183/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	FIR dated 22 January 2019	23 May 2019	Evidence	8	-	2	Unmarked Attendance for the rest of the days	1	-	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "IO is absent and police papers is not available, therefore, matter adjourned... Issue summons to all PWs with direction to the IO produce case papers."
33	FIR 10/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	No record available	No record available	Submission of Final Challan	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available
34	FIR 14/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	No record available	No record available	Submission of Final Challan	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available
35	Prevention of Electronic crime Act, 2016 1740/2019	Civil Judge & Judicial Magistrate I, Karachi (Central)	FIR is dated 12 April 2019	10 August 2019	Supply of copies	1	-	-	Unmarked Attendance for the rest of the days	-	-	Unmarked Attendance for the rest of the days	-
36	Police/FIA/ Theft Acts 1569/2018	Civil Judge & Judicial Magistrate I, Karachi (West)	FIR dated 01 December 2017	07 September 2018	Disposed Method: Other Disposal Type: Stop Proceedings By: Order	28	2	1	Unmarked Attendance for the rest of the days	6	19	Unmarked Attendance for the rest of the days	-

					Cr.Pc. [ 249 ]								
37	PPC 302/2019	Civil Judge & Judicial Magistrate I, Karachi (West)	15 November 2018	04 February 2019	Disposed Method: Merit/Contested Disposal Type: Stop Proceedings By: Order Cr.Pc. [ 249 ]	9	1	2	Unmarked Attendance for the rest of the days	1	8	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "Issue letter to Director FIA to direct the ADPP for appearance before the court." 2. "Issue letter to Director FIA to direct the ADPP for appearance before the court." 3. "Issue letter to Director FIA to direct the ADPP for appearance in person before the court."
38	PPC 672/2018	Civil Judge & Judicial Magistrate I, Karachi (South)	First Institution Date is 07 July 2018 as per available record	03 August 2018	Evidence	24	2	-	Unmarked Attendance for the rest of the days	8	13	Unmarked Attendance for the rest of the days	2 Adjournments due to want of case property Court Diary Contents: 1. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor." 2. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."
39	Prevention of Electronic crime Act, 2016 4935/2018	Civil Judge & Judicial Magistrate I, Karachi (South)	First Institution Date is 16 November 2018 as per available record	16 November 2018	Evidence	19	-	-	Unmarked Attendance for the rest of the days	3	16	-	Court Diary Contents: 1. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor." 2. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."
40	PPC 5817/2018	Civil Judge & Judicial Magistrate I, Karachi (South)	FIR dated 12 November 2018 at 2300 HRS - First Institution Date is 13 December 2018 as per available record	13 December 2018	Disposed Method: Compromise Disposal Type: Acquitted By: Order Cr.Pc. [ 345 (6) ]	6	-	-	Unmarked Attendance for the rest of the days	1	5	Unmarked Attendance for the rest of the days	-
41	Prevention of Electronic crime Act, 2016 1971/2019	Civil Judge & Judicial Magistrate I, Karachi (South)	FIR is dated 01 July 2018	19 February 2019	Evidence	9	-	-	Unmarked Attendance for the rest of the days	-	8	Unmarked Attendance for the rest of the days	1. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor." 2. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor." 3. "Reeat letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."

42	<b>Prevention of Electronic crime Act, 2016 3727/2018</b>	Civil Judge & Judicial Magistrate XIV, Karachi (South)	FIR is dated 10 September 2018	09 March 2019	Evidence	5	-	-	Unmarked Attendance for the rest of the days	1	-	Unmarked Attendance for the rest of the days	-
43	<b>PPC 4898/2017</b>	Civil Judge & Judicial Magistrate XIV, Karachi (South)	FIR is dated 09 May 2017	31 October 2018	Evidence	23	3	-	Unmarked Attendance for the rest of the days	3	17	Unmarked Attendance for the rest of the days	<ul style="list-style-type: none"> <li>• Issuance of letters to Director FIA thirteen (13) times due to non-appearance of FIA prosecutor - Letters were copied to DG FIA thrice.</li> <li>• Issuance of separate letters to DG FIA four (4) times due to non-appearance of FIA prosecutor.</li> </ul> <p>Court Diary Contents:</p> <ol style="list-style-type: none"> <li>1. "Matter is adjourned due to absent of AD FIA Legal... Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."</li> <li>2. "Matter is adjourned due to for want of police file... Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor and also issue letter for submission of police file."</li> <li>3. "Matter is adjourned due to for want of police file... Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor and also issue letter for submission of police file.Issue show cause to I/O."</li> <li>4. "Matter is adjourned due to for want of police file... Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor and also issue letter for submission of police file.Issue show cause to I/O.Issue summons to Pws."</li> </ol>
44	<b>FIR 06/2019</b>	Civil Judge & Judicial Magistrate XIV, Karachi (South)	FIR is dated 06 April 2019	-	Challan dismissed in C-class - FIR cancelled	-	-	-	-	-	-	-	-
45	<b>Prevention of Electronic crime Act, 2016 2512/2019</b>	Civil Judge & Judicial Magistrate XIV, Karachi (South)	FIR is dated 08 November 2018	07 March 2019	Evidence	10	-	-	Unmarked Attendance for the rest of the days	1	9	Unmarked Attendance for the rest of the days	<p>Court Diary Contents:</p> <ol style="list-style-type: none"> <li>1. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."</li> </ol>



													2. "Issue letter to Director General FIA in respect of non appearance of AD legal F.I.A/prosecutor."
46	Prevention of Electronic crime Act, 2016 5710/2019	Civil Judge & Judicial Magistrate XIV, Karachi (South)	FIR is dated 14 June 2019	18 July 2019	Charge	3	-	-	Unmarked Attendance for the rest of the days-	1	-	Unmarked Attendance for the rest of the days	-
47	PPC 448A/2018	District and Sessions Judge, Karachi (South)	FIR is dated 10 January 2018	20 June 2018	Evidence	43	2	-	Unmarked Attendance for the rest of the days	24	15	Unmarked Attendance for the rest of the days	Court diary contents: 1. "Issue letter for calling IO with police" 2. "Issue letter for calling IO with police" 3. "Issue B.W against remaining PWs mentioned in the list of witnesses... through Assistant Director FIA and show cause for non submission of report."
48	PPC 136/2018	District and Sessions Judge, Karachi (South)	FIR is dated 02 January 2018	06 February 2018	Evidence	58	16	8	Unmarked Attendance for the rest of the days	30	24	Unmarked Attendance for the rest of the days	Court Diary Contents: 1. "show cause notice to I/O for non submission of final challan." 2. "Issue notice for appearance of Director FIA Cyber Crime." 3. "Issue notice for appearance of Director FIA Cyber Crime." 4. "Issue notice for appearance of Director FIA Cyber Crime." 5. "Issue show cause notice to Director FIA Cyber Crime for non compliance of earlier order." 6. "call A.D.Legal through Director FIA Cyber Crime." 7. "Issue... letter to A.D.Legal for appearance" 8. "Issue... show cause notice to SHO for non submission of report."
49	Special Laws 84/2017	Civil Judge & Judicial Magistrate I, Karachi (Malir)	FIR is dated 10 April 2017	30 August 2017	For final arguments	43	2	-	Unmarked Attendance for the rest of the days	6	-	Unmarked Attendance for the rest of the days	-
50	Special Laws 14/2018	Civil Judge & Judicial Magistrate I, Karachi (Malir)	FIR is dated 19 June 2017	29 May 2018	Evidence	24	-	-	Unmarked Attendance for the rest of the days	1	-	Unmarked Attendance for the rest of the days	-
51	PPC 6/2019	Civil Judge & Judicial Magistrate I, Karachi (Malir)		12 March 2019	Evidence	10	1	-	Unmarked Attendance for the rest of the days	3	-	Unmarked Attendance for the rest of the days	-

52	PPC 17/2019	Civil Judge & Judicial Magistrate I, Karachi (Malir)		17 July 2019	Evidence	3	1	-	Unmarked Attendance for the rest of the days	1	-	Unmarked Attendance for the rest of the days	
53	FIR 19/2019	Civil Judge & Judicial Magistrate I, Karachi (Malir)	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available	No record available
54	Special Laws 20/2018	Civil Judge & Judicial Magistrate I, Karachi (Malir)	FIR is dated 07 March 2017	31 July 2018	Charge	22	-	-	Unmarked Attendance for the rest of the days	4	-	Unmarked Attendance for the rest of the days	-

Figure V: Details as of 31 August, 2019

Figure V: Attendance record of FIA officials in each case. Many times cases are adjourned solely because the investigation officers (IOs) or prosecutors are not present or do not produce relevant case material or case property. Cases that are cognizable and in which the state is a party, the state prosecutor's presence is required to run them while the IO must be present with the case file.