ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No. 696/2026

Mr. Gulzar

Versus

FOP, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.02.2026	Mr.Aizaz Ali Shah, Advocate for the petitioner.

Through this writ petition, the petitioner seeks the following relief;-

> " That the respondent No.1 may kindly be directed to refer the case of detenue before a competent court under Section 9 (4) of the Transfer of Offenders Ordinance, 2002, for adaptation of the sentence.
>
> Any other relief which this Hon'ble Court deem fit and proper may also be awarded in favour of the petitioner."

2. At the very outset, learned counsel for the petitioner submits that the petitioner is the brother of Muhammad Uzair, son of Sardar Muhammad, a Pakistani citizen who is presently confined in Central Jail Adiala, Rawalpindi, pursuant to his conviction and sentence passed by the Sixteenth Criminal Circuit in Jeddah, Kingdom of Saudi Arabia, in Case No. 2023/12/01 dated 25.10.2023. It is further submitted that respondent No.1 is the competent authority under the Transfer of Offenders Ordinance, 2002, empowered to deal with the cases of offenders transferred under the said Ordinance. Learned counsel adds that the detenue was convicted and sentenced to fifteen years' imprisonment along with a fine of 50,000 Saudi Riyals,

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and was subsequently transferred to Pakistan to undergo the remaining sentence. It is also contended that the petitioner had earlier filed W.P. No. 3543/2025 before the Islamabad High Court, seeking provision of copies of all deportation documents, including the judgment of the foreign court, whereupon, vide order dated 12.09.2025, directions were issued to the respondents to provide the requisite documents.

3. The learned counsel for the petitioner has been heard at length, and the available record has been carefully perused. The grievance of the petitioner essentially revolves around the alleged inaction of the competent authority in processing the case of the detenue under the provisions of the Transfer of Offenders Ordinance, 2002. It is not disputed that the detenue, a Pakistani national, was convicted by a foreign court and has subsequently been transferred to Pakistan to undergo the remaining sentence. The relief sought in the instant petition is a direction to the respondent authority to refer the case of the detenue to the competent court for adaptation of the sentence in terms of Section 9(4) of the Ordinance. Such a request, in substance, constitutes a representation requiring consideration and decision by the competent executive authority under the statutory scheme. The record does not indicate that the petitioner has availed the appropriate administrative forum or that a formal representation has been decided in accordance with law. In these circumstances, and without entering into

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the merits of the matter, it would be appropriate to direct that the instant petition be treated as a representation to be decided by the Ministry of Interior, which is the competent authority under the Ordinance, strictly in accordance with law.

(KHADIM HUSSAIN SOOMRO)
JUDGE

S.Akhtar

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