

BEFORE THE ANTI CORRUPTION TRIBUNAL
PAKISTAN CRICKET BOARD

IN THE MATTER OF:

PCB

VERSUS

NASIR JAMSHED, CRICKETER

Judgment announced on: **17-8-2018**

Present: Mr. Tafazzul Hussain Rizvi, Advocate Supreme Court
on behalf of PCB
Mr. Haider Ali Khan, Advocate High Court, on behalf
of PCB
Mr. Daniyal Imam, Assistant Manager, PCB

For Participant:

Barrister Hassan Iqbal Warraich, Advocate High Court,
on behalf of Nasir Jamshaid
Mr. Rameez Asif & Mr. Abdul Rehman Azam,
Advocates, on behalf of Nasir Jamshaid

DECISION:

1. Facts of the case are that Pakistan Super League (PSL) is the premium domestic tournament of PCB, the first edition of which was played in 2016 wherein, in addition to Pakistani Players, foreign cricketers were also participating. Due to the refusal of foreign players to play in Pakistan, the said domestic tournament was held in toto in UAE. Last year, the second edition of PSL tournament was held in UAE but keeping in view the improvement in the law and



order situation and the commitment of PCB to bring international cricket back to Pakistan, the final match of PSL, 2017 was held at Lahore on 05-3-2017. In the Third and latest Edition of PSL, 2018, eliminators were played in Lahore and the Final Match was held at Karachi on 25-3-2018. The original format of PSL had five teams namely, Lahore Qalandars, Quetta Gladiators, Peshawar Zalmi, Karachi Kings and Islamabad United, but in the Third Edition of PSL played in 2018, one more team namely, Multan Sultan was included in the PSL format.

2. Mr. Nasir Jamshaid, (Cricketer) has been playing international cricket for quite an amount of time and is fully aware of what constitutes corrupt conduct as he has participated in numerous anti-corruption lectures both in English and Urdu since his international debut in 2008. He had also given an Anti-Corruption Declaration dated 13-11-2010.
3. Mr. Nasir Jamshaid has been playing international as well as domestic cricket, therefore, being a cricketer, he is governed by the PCB's Anti-Corruption Code for Participants, 2015 (hereinafter referred to as 'Code'). Article 1.4 of the Code applies to cricketers who fall within the term "Participant", thus for all intents and purposes the

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Code is fully applicable to Nasir Jamshaid and he is bound to adhere to each and every Article contained in it.

4. Due to the suspicious conduct of players and information received, the Anti-Corruption Vigilance and Security Department of PCB investigated Sharjeel Khan and Khalid Latif and other Participants.

During the investigation conducted against Sharjeel Khan and Khalid Latif (Participants), it revealed that it was Nasir Jamshaid (Participant) who approached Khalid Latif and Sharjeel Khan solicited them to meet the spot fixer Yousaf Anwar and his accomplice, therefore, according to PCB, his conduct was not in consonance with the set standards of the Code and required him to appear before the Vigilance and Security Department to give reply and explain his conduct. It is the case of PCB that Nasir Jamshaid also approached Muhammad Nawaz (Participant) and offered him to engage in the corrupt practices, who, approached PCB and disclosed the commission of offence. Proceedings under Article 5.1.12, were initiated against him and was reprimanded.

5. On acquiring the information of the corrupt conduct of Nasir Jamshaid, the Vigilance and Security Department of PCB, by exercising its authority under Article 4.1 of the



Code to conduct investigation into illegal activities of a Participant, summoned Nasir Jamshaid to appear before the PCB Vigilance and Security Department. Despite being given many opportunities, Nasir Jamshaid choose not to appear consequently, a Notice of Charge was issued to him on 11-4-2017 under Article 2.4.6 (for non co-operation with the PCB Vigilance and Security Department and 2.4.7 (for obstructing or delaying any investigation carried out by PCB in possible corrupt conduct under the Code). Nasir Jamshaid was put under provisional suspension vide order dated 11-12-2017. His matter was placed before the Anti-Corruption Tribunal, PCB with the request to initiate proceedings against Nasir Jamshaid for non-cooperation under Articles 2.4.6 and 2.4.7 of the Code, 2015.

6. The learned Anti-Corruption Tribunal after issuing notices to Nasir Jamshaid for preliminary hearing for 12-5-2017, after recording evidence and hearing arguments of the learned counsel for parties, the learned Anti-Corruption Tribunal proceeded to give its decision on 11-12-2017, against Nasir Jamshaid and found him guilty of non-cooperation under Article 2.4.6 of the Code, declaring him ineligible to play cricket for a period of one year with the observation that the period of suspension already undergone by him shall



stand deducted. It was also held by the learned Anti-Corruption Tribunal that Charge No. 2 under Article 2.4.7 since was not proved, hence was held not guilty of any infraction under Article 2.4.7 of the Code, 2015. It was also observed by the learned Anti-Corruption Tribunal that reference made was only under Article 2.4.6 and 2.4.7 of Code, 2015. This decision of Anti-Corruption Tribunal was not challenged by Nasir Jamshaid.

Copies of Notice of Demand, Notice of Charge dated 11-4-2017, Reply to Notice of Charge dated 21-4-2017, Opening Brief and Decision of the learned Tribunal are annexed with the Opening Brief.

7. In the matter in hand, it is the case of PCB that in the proceedings of Khalid Latif and Sharjeel Khan by the Anti-Corruption Tribunal, it was established that Khalid Latif, Sharjeel Khan and Muhammad Nawaz were asked by Nasir Jamshaid to meet the Bookie / Spot Fixer namely, Yousaf. Khalid Latif on the asking of Nasir Jamshaid, also asked Sharjeel Khan to meet Yousaf and his friend and during this meeting, both of them agreed to the proposal of spot fixing. Sharjeel Khan even executed the agreed plan of spot fixing. Both Sharjeel Khan and Khalid Latif were tried



and convicted by the Anti-Corruption Tribunal for spot fixing on 08-9-2017 and 13-10-2017 respectively.

8. On receiving the incriminating information disclosed by Khalid Latif, Sharjeel Khan and Muhammad Nawaz and the material available against Nasir Jamshaid (Participant) for his illegal activities, PCB Vigilance and Security Department, issued a fresh Notice of Charge to Nasir Jamshaid on 08-02-2018 under Article 4.6 of the Code and was provisionally suspended with effect from 13-02-2018.

He was charged as under:

Sr. #	Charge #	
I.	Charge No. 1	Breach of Article 2.1.1 of the Code by contriving improperly and being a party to the agreement / effort to fix aspects of the PSL match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.
II.	Charge No. 2	Breach of Article 2.11 of the Code by contriving improperly and being a party to the agreement / effort to fix aspects of the PSL matches played in UAE in February, 2017.
III.	Charge No. 3	Breach of Article 2.1.2 of the Code by ensuring for betting and / or other corrupt purposes the occurrence of a particular incident in PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017 in Dubai.
IV.	Charge No. 4	Breach of Article 2.1.3 of the Code by offering a bribe and / or reward for fixing / contriving or otherwise, influencing improperly the progress conduct and other aspects of the matches played in UAE in February, 2017.



V.	Charge No. 5	Breach of Article 2.1.4 of the Code by directly and indirectly soliciting, enticing, persuading, instructing facilitating Khalid Latif to breach Article 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.
VI.	Charge No. 6	Breach of Article 2.1.4 of the Code by directly and indirectly soliciting, enticing, persuading, instructing facilitating Sharjeel Khan to breach Article 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.
VII.	Charge No. 7	Breach of Article 2.4.4 of the Code by failing to disclose to the PCB Vigilance and Security Department (without necessary delay) full details of the approaches and invitations received from Nasir Jamshaid to engage in corrupt conduct in relation to PSL, matches to be played in UAE in February, 2017.

The corresponding punishment under the Code are as under:

ANTI-CORRUPTION CODE OFFENCE	RANGE OF PERMISSIBLE PERIOD OF INELIGIBILITY	ADDITIONAL DISCRETION TO IMPOSE A FINE
Articles 2.1.1, 2.1.2, 2.1.3 or 2.1.4 (Corruption)	A minimum of five (05) years and a maximum of a lifetime.	
Articles 2.2.1 or 2.2.2 (Betting)	A minimum of one (01) year and a maximum of a lifetime	
Articles 2.3.1 or 2.3.3 (as it relates to an offence under Article 2.3.1) (Misuse of inside information)	A minimum of One (01) year and a maximum of a lifetime.	In all cases, in addition to any period of ineligibility, the Anti- Corruption Tribunal shall have the discretion to impose a fine on the Participant of such amount as it deems



		appropriate.
Article 2.3.2 or 2.3.3 (as it relates to an offence under Article 2.3.3) (Misuse of inside information).	A minimum of six (06) months and a maximum of a lifetime.	
Any of Article 2.4.1 to 2.4.6, inclusive (General)	A minimum of six (06) months and a maximum of a lifetime.	
Any of Article 2.4.7 to 2.4.9, inclusive (General)	Any period from zero up to a maximum of a lifetime.	

9. Reply to the Notice of Charge was filed by Nasir Jamshaid through his counsel on 01-3-2018. PCB was not satisfied with the reply filed by the Counsel, as the same did not fulfill the requirements of Article 4.6.6 of the Code. The PCB vide email dated 06-3-2018 directed Nasir Jamshaid to respond within 7-days, whether he admits or deny the charges levelled against him. Nasir Jamshaid through his reply dated 09-3-2018, completely denied all charges levelled against him in the Notice of Charge.

The PCB under Article 5 of the Code, referred the matter to the three Member Anti-Corruption Tribunal comprising the following:

Mr. Justice Fazal-e-Miran Chauhan	Chairman
Mr. Shazib Masud	Member
Mr. Aqib Javed	Member



10. The Tribunal was requested to initiate proceedings against Nasir Jamshaid for violating Articles 2.1.1, 2.1.1, 2.2.2, 2.1.3, 2.1.4, 2.1.4, 2.4.4 of Pakistan Cricket Board Anti-Corruption Code, 2015. The Tribunal in pursuance of entrustment, issued notice to the PCB and the Participant to appear before the Tribunal on 04-5-2018.

On the date, counsel for participant appeared as ordained by Article 5 of the Code for the Participant, to settle the modalities as required by Article 5.1.3 and 5.1.4 and the following schedule was settled:

10-5-2018:	Opening Brief
18-5-2018	Reply to Opening Brief
22-5-2018	Reply to Reply
24-5-2018	Full Hearing

PCB submitted its Opening Brief on 10-5-2018.

Participant submitted Answering Brief on 18-5-2018.

11. PCB submitted its reply to the Answering Brief on 22-5-2018.

PCB in support of its case, produced:

PW-1, Mr. Salman Naseer, Manager Legal, PCB;



PW-2 Col. Muhammad Azam Khan, Director, Security and Vigilance Department, PCB.

PW-3 Mr. Muhammad Nawaz (Cricketer)

PW-4 Mr. Andrew Aphrave, Senior Investigator, National Crime Agency, UK

PW-5 Mr. Brett Connolly, Senior Officer, National Crime Agency, UK.

PW-6 Sir Ronald Flanagan, Chairman (ICC) U.K.

12. The respondent Participant Mr. Nasir Jamshaid appeared as DW-1 as his own witness. His evidence is recorded through Link on his request, which was accepted by the parties. He stated that his written statement Exh. R/1 of the Opening Brief be read as his statement. In his reply to Opening Brief, he denied all the charges leveled against him. He further stated that he has been charged, tried and punished by Anti-Corruption Tribunal headed by Justice (Retd.) Syed Asghar Haider vide order dated 11-12-2017. Thus, he cannot be charged for 2nd time for the same offence on the same facts and evidence and be punished again.

13. Learned counsel for PCB Mr. Tafazzal H. Rizvi, Advocate states that he reiterate all the arguments taken



in the Opening Brief, the Reply Brief, the supporting (oral as well as documentary) evidence and decision passed by Anti Corruption Tribunal in the matter of Khalid Latif and decision of Independent Adjudicator in appeal of Khalid Latif.

14. It is argued by the learned Counsel that during the investigation conducted against other players namely, Sharjeel Khan and Khalid Latif, it was revealed that Nasir Jamshaid, Participant had approached Khalid Latif and asked him to meet the Spot Fixer Yousaf along with his accomplice "Gora" (foreigner). Nasir Jamshaid also asked Khalid Latif to entice other players namely, Sharjeel Khan for spot fixing in the 2nd Edition of PSL matches held in 2017. He asserted that another player Muhammad Nawaz (PW-3) was also approached by Nasir Jamshaid and was offered to engage in corrupt conduct. On receiving such information regarding Nasir Jamshaid's criminal activities, PCB Vigilance and Security Department conducted an investigation into the illegal activities of the participant and Notice of Demand was issued to him under Article 4.3 of the Code, asking him to appear before the PCB Vigilance and Security Department. Nasir Jamshaid refused to appear on the pretext that he is under restrictions and




could not move out of U.K. He then was asked to appear before the Vigilance Committee in London but he again refused to appear before the Vigilance and Security Department, thus, a Notice of Charge under Article 4.2.6 (for non-cooperation) and 2.4.7 (for obstructing or delaying the investigation) was served upon him, along with provisional suspension on 13-02-2017. His case was referred to Anti-Corruption Tribunal on the charges of non-cooperation and obstructing the investigation. He was tried and punished vide order dated 11-12-2017 under Article 2.4.6 for non-cooperation for a period of one year and acquitted on the charge under Article 2.4.7 of the Code.

Further argued that, it is proved from the statements of Khalid Latif, Sharjeel Khan and Muhammad Nawaz that it was Nasir Jamshaid who enticed the above mentioned three players to indulge into illegal activity of Spot Fixing. Out of three, Khalid Latif and Sharjeel Khan agreed to meet the Spot Fixer and also to carry out the plan as proposed by Spot Fixer namely, Yousaf. Muhammad Nawaz though did not agree to the offer given by Nasir Jamshaid but failed to inform or disclose his conversation with Nasir Jamshed regarding the spot fixing offer, to the

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PCB Vigilance and Security Department Head Col. Muhammad Azam (PW-2) in time, however, later on, (10 days late) he informed Col. Muhammad Azam about the offer and he was reprimanded.

The recordings of meeting of Sharjeel Khan with the Spot Fixer, the reports of NADRA of the images of the Smart Phone of Khalid Latif shows his contact with Nasir Jamshaid, the voice messages between Khalid Latif and Nasir Jamshaid also prove that it was Nasir Jamshaid, who enticed and asked the players to indulge into illegal activities. The data retrieved from mobile phones belonging to Khalid Latif and Sharjeel Khan, when examined in conjunction with other evidence, conclusively connects Nasir Jamshaid, Participant with corrupt conduct. It was contended that evidence also proves that Nasir Jamshaid had well entrenched connections with the Bookies, and that it is established on record that both Khalid Latif and Sharjeel Khan were acting in connivance with Nasir Jamshaid, who also stood guarantor for payments to the players. Finally, argued that both Khalid Latif and Sharjeel Khan were charged for Spot Fixing by the Anti Corruption Tribunal headed by Justice (Retd.) Syed Asghar Haider, the learned Tribunal tried the participants



and they were convicted / punished for Spot Fixing by relying upon the audio and video evidence and voice messages by holding that the voice of audio video are from the Mobile Phone of Khalid Latif and Nasir Jamshaid. Khalid Latif challenged the decision of Tribunal in appeal and his appeal was rejected by the learned Justice (Retd.) Faqir Muhammad Khokhar. The Learned Counsel for PCB relied on the decisions of both tribunal and appellate tribunal, which are on the file and the verdict given by both Anti Corruption Tribunal and Appellate Tribunal support the case of PCB against Nasir Jamshaid. It was submitted that USB containing the recordings, was also sent to the Punjab Forensic Science Laboratory for the audio / video analysis and after Forensic Video Analysis, no editing fixtures were found in the visual contents of 27 video files. Further contends that the participant is already under investigation by the National Crime Agency (NCA) U.K. for the illegal conduct. Argues that from the evidence produced by PCB, it is unequivocally proved that Nasir Jamshaid, Participant is the main person and axis of corrupt conduct and was acting as a handler and conductor for ensuring that other cricketers will indulge in the despicable and abominable corrupt conduct.



15. Conversely, the learned counsel for the Participant Nasir Jamshaid by raising a legal objection of double jeopardy, argued that all the facts / evidence were available with the PCB when the first Notice of Charge was served upon the Participant, matter was presented before the Anti-Corruption Tribunal and the same was decided by the Tribunal vide order dated 11-12-2017. All the evidence was available with the PCB before the decision of the earlier round of proceedings, consequently, PCB has no justification for filling second reference on the same set of facts and evidence. Argued that after the decision of the first case, all the grounds available with the parties, whether the parties to the case, have relied upon them or not, would be deemed to have been taken into account and decided upon. Learned Counsel stressed that it is a case of double jeopardy, hence is liable to be rejected on this ground alone.
16. On merits of the case, it is submitted that PCB had failed to establish on record that Nasir Jamshaid in any manner is connected with any instance of Spot Fixing Scandal. There is no evidence to the effect that any spot fixing took place. So far as, voice recording is concerned, the PCB failed to establish that the same was of Nasir



Jamshaid. PCB also failed to establish that the word "BAT" used in the voice recording is a code used by the Bookies and players. Argued that entire case is based upon conjectures, suppositions and surmises. In this view of the case, PCB is barred from presenting the fresh charge on the same facts and evidence. He asserts that, it is an admitted fact that PCB arranges and delivers lectures to the players regarding the anti-corruption code and also shares the names of the known Bookies, name of Yousaf Anwar is not in that list of Bookies maintained by PCB nor his name was given to the participants. Argued that in the earlier trial, the participant was charged and convicted for non-cooperation with the PCB Vigilance and Crime Investigation Committee. It is not explained, why he was not charged with offences leveled in the second Notice of Charge. Argued that since the PCB has failed to bring the case home, the same be rejected. The evidence and its reliance violate the fundamental rights guaranteed under the Constitution.

DOUBLE JEOPARDY:

The first and foremost objection raised by the learned counsel for Nasir Jamshaid (the Participant) is of double jeopardy.



17. It is argued that on the same facts and evidence, the Participant was charged by the PCB and was tried and convicted by the Anti Corruption Tribunal, headed by Justice (Retd.) Syed Asghar Haider. The 2nd Notice of Charge and trial of the Participant is barred under Article 13 of the Constitution of Islamic Republic of Pakistan, 1973, read with Section 403 of the Cr.P.C. and under Section 26 of the General Clauses Act – X of 1897.

On the other hand, case of PCB is that it is not case of double jeopardy as earlier the Participant was charged under Article 4.4.6 and 4.4.7 for non co-operation with the Vigilance Committee and this fact is admitted by Nasir Jamshaid in cross examination, that earlier he was charged, tried and convicted for non cooperation and not for the charge under Article 2.1.1, 2.1.2, 2.1.3, 2.1.4 and 2.4.4. Further argued that provisions / sections of Criminal Procedure Code, Evidence Act and General Clauses Act are not attracted or applicable to the proceedings conducted by this Anti Corruption Tribunal. This Tribunal has to follow the procedure and Articles of the Code.

Finally, argued that Participant can be charged, tried and convicted on the same facts for another charge. Relied upon PLD 2016 Peshawar 288.

18. Article 13 of the Constitution of Islamic Republic of Pakistan, 1973 provides protection against double (jeopardy punishment) and self-incrimination, which reads as follows:

No person:-

(a) Shall be prosecuted or punished for the same offence more than once;

OR

(b) Shall, when accused of an offence, be compelled to be a witness against himself.

The objection raised is that Nasir Jamshaid cannot be prosecuted and punished for the offences for which he has already been prosecuted and punished. This argument is not covered by Article 13 of the Constitution, as it barred second prosecution for the same offence, whereas, in the proceedings in hand, the Participant is charged for different offences than the offence he was charged, tried and punished earlier.

Section 403 of Pakistan Criminal Code states that a person once convicted or acquitted shall not be tried for the same offences, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under Section 236 or

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for which he might have been convicted under Section 237.

Section 26 of the General Clauses Act provides a bar to double punishment for the same offences, which reads as follows:

"where an act or omission constitutes an offence under two or more enactments, when the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for some offence."

Section 403 of the Cr.P.C. is based upon the ancient maxim, "NEMO DEBTS BIS VEXARE", which means that a person cannot be tried second time for an offence with which he was previously charged. The important principle underlying invocation of this rule is that if such person is tried by a court of competent jurisdiction for an offence irrespective of the fact whether he is convicted or acquitted, he cannot be tried again for the same offence.

Section 403 Cr.P.C. and Section 26 of the General Clauses Act, if read together, provide procedural shield to an accused from conviction for the second time on the same facts. The preconditions to attract Section 403 Cr.P.C. are that:

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- i) There must have been earlier trial of the seeking protection for the second trial for the same offence / charge.
- ii) The facts alleged in earlier trial were the same sought to be proved in the second trial.
- iii) The trial must have been conducted by a court of competent jurisdiction and
- iv) The trial must have ended in the judgment of conviction or acquittal; and if the
 - a) Accused is not the same; or
 - b) Charge is not the same; and
 - c) The facts alleged are distinguishable then protection of Section 403 Cr.P.C. would not be available.

Findings on Double Jeopardy:

The issue raised on a greater or lessor extent depends on comparison of the two charges and whether the principal of double jeopardy are applicable on the present proceedings. The primary position of the Counsel for the participant throughout has been that the basis i.e the facts and evidence in the two proceedings is the same and that the second complaint should have been dismissed on the ground of Double Jeopardy. The fundamental right which is guaranteed in Article 13 enunciates the principle of "autrefois convict" or "double jeopardy". The roots of that principle are to be found in the well established rule of the common law of England "that where a person has been convicted of an offence by a court of competent jurisdiction the conviction is a bar to all further criminal proceedings for the same offence." *Maqbool Hussain vs*

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The State of Bombay 1953 AIR 325. To the same effect is the ancient maxim "Nemo bis debet punire pro uno delicto", that is to say that no one ought to be twice punished for one offence or as it is sometimes written "pro eadem causa", that is, for the same cause. In the first proceedings Nasir Jamshed was sanctioned to prohibition to play for one year under Article 2.4.6 for non co-operation with the PCB Vigilance and Security Department, which primarily constitute the acts committed by Nasir Jamshed after he was served with Notice of Demand to appear before the Vigilance and Security Department of PCB, which was not adhered to. Consequently, Notice of Charge was issued on the allegations of non-appearance and non-cooperation of Nasir Jamshed with PCB into the investigation, which he was under the Code of PCB liable to cooperate and failure thereof is liable to punishment. He was never tried or punished for his activities, which are the basis of current proceedings. This fact is not disputed by either party and is also established from the earlier decision dated 11.12.2017 of Anti Corruption Tribunal, in para 15 the learned tribunal categorically states that " 15. We would like to at the very ought set state that the mandate of this Tribunal is limited only to infractions contained in Article 2.4.6 and 2.4.7 of the Code..... Accordingly the findings of the Tribunal in the current matter would be also



limited to these charges only" further in para 18 of the decision the learned Tribunal further elaborated "18. The learned counsel for the Participant Mr. Hassan Iqbal Warriach has highlighted and pointed to us several discrepancies and anomalies in the deposition and cross-examination of PW-1, unfortunately, they relate to corrupt practices which are beyond our mandate..." accordingly the tribunal only dealt with the fact that Nasir Jamshed did not appear and cooperate with the vigilance committee and was barred from playing for one year on that account only. However currently the charge, evidence and facts, which are being considered, are those of corrupt practices under the Code, which is completely different in its nature and substance. The facts and evidence to be evaluated have never been considered before so far as Nasir Jamshed is concerned. They are two separate and distinct sets of facts and charges.

Even otherwise proceedings before the tribunal are not of criminal nature, at most they are domestic/departmental proceedings with a civil sanctions for the violation of contractual relationship which has been agreed between the parties, it may be offence under other laws of the land but not under the Code of Conduct of PCB or before the Tribunal pursuant thereto. This



aspect further find support under section 1.11 which provides as under:

Article 1.11 The Anti-Corruption Code and the anti-corruption rules/code of the ICC and the other National Cricket Federations are not criminal laws but rather disciplinary rules of professional conduct for those involved in the sport of cricket. However, Corrupt Conduct may also be a criminal offence and/or a breach of other applicable laws or regulations. This Anti-Corruption Code is intended to supplement such laws and regulations. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Participants must comply with all applicable laws and regulations at all times.

Consequently, rule or codes under Anti Corruption Code are not criminal laws or criminal punishments but rather disciplinary rules and disciplinary sanctions of civil nature. The Tribunal in previous proceedings barred Nasir Jamshed for one year for his non-cooperation. In the current proceedings his conduct is being evaluated for corrupt practices under the Code that Nasir Jamshed chose to abide by, if found guilty then the penalty provided in the Code is of civil nature, weather in the form of debarment or fine. Both are civil penalties, which have no application or protection of principal of double jeopardy found

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in criminal punishments/law. Muhammad Ayub Vs Chairman WAPDA PLD 1987 SC 195 while dealing with interpretation of Article 13 of the Constitution concluded that " The important words in the above provision are the words 'same offence', while sometimes used in various senses, here implies a crime infringing public as distinguished from private rights and is punishable under the criminal law. Indeed this provision is a protection against double punishment and the punishment contemplated under Article 13 is punishment that has been imposed upon a person as a result of a criminal prosecution. Hence any penalty imposed on a civil servant as a consequence of a departmental proceeding, under the Efficiency and Discipline Rules, after the accused officer has been acquitted of a criminal charge, is not barred. What this provision bars, as observed earlier, is a fresh trial and punishment for the same offence and not the infliction of penalty as a result of departmental proceedings". This principal of civil and criminal penalties have also been endorsed in Hudson Vs United States 118S. Ct 488 (1997).

The nature of the proceeding before Anti Corruption Tribunal were exhaustively discussed by Mr. Justice (r) Faqir Muhammad Khokhar as an Adjudicator in Appeal by Khalid Latif, wherein after deliberating on various judgments of the superior courts,

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came to conclusion, which we agree with, that the proceedings before the Tribunal are domestic/departmental proceedings against a player/participant. These are not judicial or quasi judicial proceeding and are not governed by any statute or other legislative instrument. The object of inquiry by the Tribunal is to maintain internal discipline and to curb professional misconduct and corrupt practices by delinquent participants. Consequently the principals and procedures of Criminal or Civil law including Qanun e Shahadat are not applicable in the proceedings before the Tribunal. For Double Jeopardy to be applicable the punishment should through a trial in some criminal proceedings by a competent Court of Jurisdiction. The said ingredients are missing in the previous bar issued against Nasir Jamshed and even in present proceedings, which as explained earlier are merely departmental disciplinary proceedings. As a result the present proceedings or that matter previous proceedings would not be a bar to any criminal proceedings if initiated against the Participant under any other law of the land. Since the principals of criminal law are not applicable on the present proceedings and that the bases of charges are completely different in both the proceedings, therefor the concept of double jeopardy will not be applicable.



Question then arises if the principal of Res Judicata would be applicable in current proceedings. If the proceedings are based on same cause of action then there would be a bar on subsequent proceedings. The basis of the Charge and cause of action of the previous proceedings was of non-cooperation, which is not the basis of present proceedings. The charges here are based the allegation of inducement of other players to do spot fixing, which is based on completely different facts and cause of action, hence the estoppel of cause of action would also not apply.

In view of the above discussion, we are of the view that earlier the Participant Nasir Jamshaid was charged and tried for non-cooperation with the PCB Vigilance and Security Department, when he refused to appear before the Anti Corruption Tribunal. He was charged and tried by the Anti Corruption Tribunal and sanctioned under Section 2.4.6 of the Code. However, during investigation of the conduct of other players, namely, Sharjeel Khan and Khalid Latif, both of them admitted that it was Nasir Jamshaid Participant who approached Khalid Latif and Khalid Latif on his asking approached Sharjeel Khan to meet Spot Fixer namely, Yousaf and his friend a 'Gora' in Dubai. Khalif Latif in the investigation corroborated that Nasir Jamshaid asked him to meet Yousaf,(Spot Fixer) and his friend. Both of them admitted



that they knew that the person who they are going to meet is a Spot Fixer. This act of Nasir Jamshaid breaches Article 2.1.1 to 2.4.4 of Code and thus, was served with a Notice of Charge dated 08-02-2018, this charge is altogether different from the earlier charge of 2.4.6 and 2.4.7 of which he was eventually charged with, tried and convicted for. Therefore, we hold that it is not a case of double jeopardy or Res Judicata and the objection raised are found without any merit.

The PCB leveled (07) Seven charges against Participant Nasir Jamshaid (given in para 7 above). They relate to contriving, spot fixing, corrupt practices, offering bribe, enticing other players and non-reporting to the PCB Vigilance and Security Department.

Standard of Proof and Evidence:

Under Article 3.1 of PCB was supposed to discharge the burden of proof. The Standard of Proof required in this regard is provided under the code whereby it shall be "Whether the Tribunal is comfortably satisfied that the alleged offence has been committed bearing in mind the seriousness of allegation made. The Standard of Proof, in all cases as mentioned in Article 3.1 is, greater than a mere balance of probability but less than a proof beyond reasonable doubt. Again it is mentioned in Article 1.2 that interpretation is to be made in terms of Article 1.2 of the

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Code. Keeping in mind the sporting imperatives described in terms of the Article 1.1 of the Code, it is also mentioned in Article 3.2.1 of the code that Tribunal shall not be bound by rules governing the admissibility of evidence in judicial or other proceedings. The Tribunal is empowered under Article 3.2.1 of the Code to accept facts as established by any reliable means including admissions and circumstantial evidence.

Article 3.2.2 gives discretion to the Anti-Corruption Tribunal to accept any fact established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that is not subject of a pending appeal and in which certain facts are established as irrebuttable evidence of those facts as against participant to whom the decision pertains, unless the Participants establish that the decision violates principle of natural justice.

We would now proceed to analyze the charges brought by the PCB and the evidence led to prove the charges. To prove these charges as stated above, PCB produced six witnesses. The most important of them is PW-2 Col. Muhammad Azam, who was to monitor the activities of the players and players support staff during the second edition of PSL played in UAE from 9th February, 2017. He deposed that during the 1st week of February, 2017, it came to his knowledge that various cricketers were being



approached by suspected bookies to engage in corrupt conduct in relation to PSL, 2017 Matches. He further deposed that one cricketer Umer Amin reported that he received an offer from Yousaf Anwar to indulge in corrupt conduct. On this, the Vigilance Department began its investigation and conducted interviews of various players namely, Sharjeel Khan, Khalid Latif, Muhammad Nawaz, Muhammad Irfan and Shahzaib Hassan. He further deposed that Khalid Latif, Sharjeel Khan and Muhammad Nawaz appeared after Notice of Demand. The PCB, Anti Corruption Unit also received information regarding approaches to engage in corrupt conduct and alleged commission of corrupt conduct by Pakistani players from other cricketers, ICC and NCA, U.K. He deposed that the recordings of the interviews of Khalid Latif, Sharjeel Khan and Muhammad Nawaz are accurate and not altered. In the course of inquiry, he took the mobile phones of the Participant and got its mobile data, technical analysis from FIA. The analysis was conducted in his presence and report issued is attached with the Opening Brief. In the investigation, of Khalid Latif, Sharjeel Khan and Muhammad Nawaz it reveals that Nasir Jamshaid is intimately involved in the attempt to engage the participants in corrupt conduct in PSL-2017. States that Nasir Jamshaid was served with a Fresh Notice of Charge dated 13-02-2018. He was provisionally



suspended again from 13-02-2018 and asked to appear before Vigilance and Security Department, but he avoided appearing before the Vigilance Department, on all dates, he was asked to appear. In the cross examination, he deposed that he was initially informed about the corrupt conduct of the player by PW-6 Sir Ronald Flamgon, Chairman of Anti Corruption Unit, U.K. in Dubai states that Participant Khalid Latif and Sharjeel Khan admitted that they were approached by Nasir Jamshaid, who asked them to see Yousaf and his friend a "Gora", and the said Yousaf picked up Khalid Latif and then Sharjeel Khan and both agreed to conduct corrupt practice of spot fixing. On this admission, both Khalid Latif and Sharjeel Khan were served with Demand Notice and were subsequently tried and convicted for spot fixing. In appeal the conviction was maintained by the appellate tribunal, except fine was reduced.

The Anti Corruption Tribunal in the cases of Khalid Latif and Sharjeel Khan based its decision on the statement of Col. Muhammad Azam PW-2 and Umer Amin Cricketer of Quetta Gladiators and the statement of Sir Ronald Flanagan (PW-6), Chairman, Y.P. Shing, General Manager of ICC Anti Corruption Unit, ICC Headquarters, Dubai. The evidence recorded in the reference of Khalid Latif and Sharjeel Khan is relied upon by the learned counsel for PCB and argue that this Anti Corruption



Tribunal has the discretion under Article 3.2.2 of the Code to accept any fact established by a decision of a court or professional disciplinary tribunal of competent jurisdiction, and is not subject matter of appeal and in which certain facts are established as irrebutable evidence of these facts against Participant to whom decision pertained. It is the case of PCB that the evidence which is being produced in this reference against Nasir Jamshaid was produced in the reference of Khalid Latif and Sharjeel Khan, and it was established that Nasir Jamshaid is the main person who had links with the bookie Yousaf and he by using his influence enticed Khalid Latif and Sharjeel Khan to indulge in corrupt conduct / practices of spot fixing in the match played between Islamabad United and Peshawar Zalmi in Dubai.

We have also gone through the judgments of the learned Anti Corruption Tribunal. The learned Tribunal had discussed and analyzed the oral as well as the documentary evidence and the recording of USB, and came to the conclusion that it is Nasir Jamshaid Participant, who enticed Khalid Latif to indulge into corrupt practice of spot fixing and Khalid Latif on his asking asked Sharjeel Khan to meet Yousaf and his friend and in this meeting all modalities were settled and both Khalid Latif and Sharjeel Khan agreed to carry out the spot fixing. From the



evidence it is established that the messages of Nasir Jamshaid were received on the mobile phone of Khalid Latif, and the last message was received when the mobile of Khalid Latif was in the custody of Vigilance Unit of PCB (as Nasir Jamshed did not know that Khalid Latif was caught at that time). From all the evidence produced, the Anti Corruption Tribunal came to the conclusion that Khalid Latif was fully involved in the menace and scourage of spot fixing and corruption and was found guilty of the charge leveled against him and was punished for 5 years each, in charges 1 to 4 for six months in charge 5 & 6 under Article 2.2.4 and 2.4.5. Nasir Jamshed has not contested or appealed against any of the findings given in the said decisions.

It is the case of PCB that this evidence can be read and relied upon to decide the case / reference of Nasir Jamshaid.

Article 3.2.2 gives discretion to this tribunal to accept any established facts by a decision of court or professional disciplinary tribunal of competent jurisdiction that is not the subject of a pending appeal and in which certain facts are established as irrefutable evidence of these facts against Participant to whom decision pertains.

Now considering the evidence produced in the case, the statements of Sharjeel Khan and Khalid Latif given are on the record. According to the statements which were given by both



the players, when they were caught by the Anti-Corruption Unit of PCB, were given to the PCB in the ICC Head Quarters and later on, fresh statements were given by both the players to PCB in Lahore. The statements given in the video recordings by Khalid Latif and Sharjeel Khan, categorically allege that Mr. Nasir Jamshaid was the person who persuaded and influenced both the players to indulge into Spot Fixing. Further the audio recordings of telephone conversation between Khalid Latif and Nasir Jamshaid were produced by PCB, the veracity and authenticity of the said recordings has been verified by FIA, where the Data of Mobile Phone of Khalid Latif was verified. The voice messages of Whatsapp were found to be related to Mobile No. 0321-8482778, said Cell Number was admitted by Nasir Jamshaid to be his, in his previous evidence given before the Anti Corruption Tribunal on the charges of Non-Cooperation. However, in the statement before us (the Tribunal) he showed his ignorance about this number. He was evasive and vague about his mobile phone numbers and stated that he does not remember whether this particular number was his, as he was using different numbers at different times. When the recordings of the voice messages were played to him, initially he said that he is not sure whether it was his voice, nevertheless did not categorically deny that it was he, who was in the recording and



conversation relate to him. Interestingly, Mr. Nasir Jamshaid, accepted ~~the~~ all the contents of the conversations, that was in the voice recording messages and accepted that he was communicating with Khalid Latif and other players for the purposes of purchasing bats from them. In the conversations, Mr. Nasir Jamshaid is heard persuading Khalid Latif that Yousaf will meet you and a Gora will be with him to verify the transaction as previously there were some issues regarding the transactions of the bats and the payment of the transactions. In the conversation Nasir Jamshed told Khalid Latif that he should not worry about the Gora as he ^{is} only there to verify the transaction. Throughout the conversion, he had been referring to bats and assured Khalid Latif he will be paid the amount for the said transactions. Interestingly, the last message by Nasir Jamshaid was on the second day of PSL Season, when Khalid Latif and Sharjeel Khan had already been caught by PCB. In the said message, Nasir Jamshaid told Khalid that the man will come and give him money for the transactions that they had concluded. Nasir Jamshaid in his cross examination admitted all these facts, however, he asserted that he was actually buying bats from the players.

On the other hand, this fact has been refuted by both Sharjeel Khan and Khalid Latif, who accepted that they were contacted



by Nasir Jamshed to play dot balls (spot fixing) which was also acted upon by Khalid Latif. When asked whether he can prove that he conducts the business of purchasing and selling of bats in any way or by producing any documents to that affect, he categorically stated that he could not. He further deposed that he has not registered it as his business, neither in Pakistan nor in U.K. where he was currently residing. Paying huge amounts of money approximately Rs. 2 million for bats, which do not cost more than a couple of thousands of Rupees could not be justified. None of the other players support Nasir Jamshed's assertion of doing business of buying and selling cricket bats, specially when this would have been a good defense in their own case as well. Evidence establishes that the 'BAT' was the Code used by players for spot fixing, and that the players were being paid US\$ 20,000/- (almost twenty lac rupees at that time) for playing two dot balls in two overs. One Muhammad Nawaz, young player, also reported that Nasir Jamshaid, called him on 25/26-01-2017, while he was touring Australia, with Pakistan Cricket Team. And asked him to play two dot ball in one over and two dot balls in the next over, for which he will give him Rs.2.00 Million. At that time, Muhammad Nawaz told Nasir Jamshaid that he was busy with team-mates and he will talk to him later. Then, on 01-02-2017, Nasir Jamshaid sent whatsapp message to Muhammad



Nawaz "OR BHAH BATAYA NAHI, KOI PLAN BANA YA NAHIN", on which he replied "BRO NASIR BHAH MEIN NAHIM KAR SAKTA G, SORY PLZZ DON'T MIND". This incident was reported on 14-02-2017, the reason for this delay as per Muhammad Nawaz was that Mr. Nasir Jamshaid was a senior player and these situations are scary. As he was a very junior player, he did not know, how to react initially, as he was worried about his career. Lastly, Shahzaib Hassan also alleged that Nasir Jamshaid approached him for spot fixing. It is pertinent to mention here all the statements by the players were given to PCB, firstly in the office of ICC in Dubai when the incident was reported and the players were caught by the Vigilance and Security Department of PCB and secondly their statements were recorded on camera by the PCB in Lahore, however, only Muhammad Nawaz, who appeared as PW before this Tribunal and admitted that Nasir Jamshaid approached him for spot fixing. Sharjeel Khan and Khalid Latif have already been tried by the other Anti Corruption Tribunal and found guilty of the charges and accordingly, punished, while evaluating all the evidences produced by PCB in this regard.

Linking all the evidences, statements of Khalid Latif, Sharjeel Khan, Shahzaib Hassan, Muhammad Nawaz and admission of Nasir Jamshaid of the fact of voice messages, relating it to the



actual act of playing dot balls by Khalid Latif proves the execution of the spot fixing scam and the role of Nasir Jamshed as an intermediary or go-between who guaranteed and instigated the corrupt practices. All the players have asserted that it was Nasir Jamshaid, who approached them directly or indirectly for spot fixing, said players have no enmity with Nasir Jamshaid for which they could falsely implicate him and this fact was also admitted by Nasir Jamshaid in his cross examination. Further, none of the players, who were approached by Nasir Jamshaid have ever admitted the fact that they were conducting any kind of business of sale and purchase of bats with Nasir Jamshaid.

Even otherwise, the whole conduct of Nasir Jamshaid is dubious and evasive, there was no remorse reflected in his conduct, in fact he continuously tried to act smart and lied to the Tribunal. When asked that on what charges he was arrested in U.K. and was later on was released on bail, his response was that he did not know what the charges were. In U.K or any other country at the time of arrest, every accused is told for what charges he is arrested for, his answers and defense was incredible and unbelievable.

The Standard of Proof provided in Article 3 of the Anti Corruption Code requires that in all cases Standard of Proof shall be greater



than mere balance of probabilities but less than the proof beyond reasonable doubt. What amounts to mere balance of probability can be determined from the judgments below.

Lord Denning in *Bater v. Bater* [1950] All ER 458

The degree required must depend on the mind of the reasonable and just man who is considering the particular subject matter. In some cases fifty-one per cent, would be enough, but not in others. When this is realised, the phrase "reasonable doubt" can be used just as aptly in a civil case or a divorce case as in a criminal case, and indeed, it was so used by Bucknill L.J., in *Davis v. Davis* (2) and *Gower v. Gower* (1). The only difference is that, because of our high regard for the liberty of the individual, a doubt may be regarded as reasonable in the criminal courts which would not be so in the civil courts.

In ***Minister of Safety and Security v Jordaan t/a Andre Jordaan Transport*** (2000) 21 ILJ 2585 (SCA), it was held that the inference drawn from the evidence just has to be 'the most natural or acceptable inference', and not the only inference. In ***Bates and Lloyd Aviation (Pty) Ltd and Another v Aviation Insurance Co*** (1985) 3 SA 916 (A) it was held as follows: '*The process of reasoning by inference frequently includes consideration of various hypotheses which are open on the evidence and in civil cases the selection from them, by balancing probabilities, of that hypothesis which seems to be the most natural and plausible (in the sense of acceptable, credible or suitable).*' According to the Labour Court in ***Potgietersrus Platinum Ltd. v CCMA*** (J1459/98 of 30 July 1999), it is merely required of the employer to show that circumstantial evidence that an employee is guilty of the misconduct, is more plausible than the



possibility that he/she did not commit the misconduct. Should the employer be able to demonstrate a sufficient evidentiary basis to implicate the employee on a balance of probabilities, a mere and persistent denial by an employee without offering an actual version in answer to the evidence of the employer, is not a sufficient defence. As pointed out by the court, consistent denial does not constitute an alternative persuasive version and undue weight should not be attached to this as opposed to detailed, consistent, corroborated, and essentially unchallenged evidence presented by the employer. Should the employer demonstrate a sufficient evidentiary basis to prima facie implicate the employee on a balance of probabilities, the onus to prove whatever defence / explanation he offers, lies with the employee.

A finding on a balance of probabilities is also not merely a mechanical balancing of evidence – or for that matter, the number of witnesses on each side. In **Selamolele v Makhado** 1988 (2) SA 372 (V) at 374J–375B the approach to the question whether the onus has been discharged was dealt with as follows: *“Ultimately the question is whether the onus on the party, who asserts a state of facts, has been discharged on a balance of probabilities and this depends not on a mechanical quantitative balancing out of the pans of the scale of probabilities but, firstly, on a qualitative assessment of the truth and/or inherent probabilities of the evidence of the witnesses and, secondly, an ascertainment of which of two versions is the more probable.”*



Lahore High Court in Mst. Bakht Bibi Vs Muhammad Aslam Khan etc. 2016 MLD 1411 laid down following principals:

"The Court is therefore not bound to look for its findings on the "evidence" alone as defined in the Evidence Act, but has to see to the high probabilities regarding the existence or non-existence of a fact after considering "the matters before the Court". The Court may be impressed by the demeanour of a particular witness more than by his words and in the circumstances like those of the present case, may consider the oral evidence in the light of the heavy pressure under which the witnesses in the case are placed."

"the balance of probability standard means that the satisfaction of the court that an event has occurred is dependent upon whether the court considers, on the basis of evidence, that occurrence of the event was more likely than not."

The Anti Corruption Code further elaborates in Article 3.2.1 that the Tribunal shall not be bound by the rules governing the admissibility of evidence in judicial or other proceedings. Instead facts may be established by any reliable means including admissions and circumstantial evidence. Article 3.2.2 further gives the discretion to the Tribunal to accept any facts established by professional disciplinary tribunal. In this regard, the evidence already produced in Khalid Latif and Sharjeel Khan case, by the respective learned Tribunals are being taken into account, specially when based on these evidences and facts, both the participants have been penalized. The evidences appreciated therein were taken to be facts

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established and relied by this Tribunal, as true and much more than preponderance of probability of the fact of Nasir Jamshed involvement as main instigator of the acts of corrupt practices.

The menace of spot fixing and match fixing has spread all across the cricketing world, the lucrative business of making money outways the ethical standards be maintained by the respective Cricket Boards. The Spot fixing and match fixing menace is deep rooted in Pakistan cricket, which time and again has surfaced and inspite of the sanctions against numerous players, the betting mafia approaches the new young players and manage to corrupt them and people like Nasir Jamshed, who are seniors and have access and undue influence over young players, manage to corrupt the game of cricket, which is so close to the hearts of people of Pakistan. The battle to keep the game clean is constant battle, which will have to be taken up at all levels by being intolerable to such illegal activities. As rightly pointed out by the Supreme Court of India in the following judgments:

In State of Haryana V. Rattan Singh (AIR 1977 SC 1512), late Mr. Justice Krishna Lyer, J. of the Indian Supreme Court held as under:

"It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are



logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility."

Supreme Court of India, in the case of board of control for Cricket in the India Vs. Cricket Association of Behar (AIR 2015 SC 3194) = (2015) (3) S.C.C. 251) made some pertinent observations regarding the functions of the BCCI and the Anti-Corruption Code. It was stated that:-

"BCCI is a very important institution that discharges important functions. Demands of institutional integrity are, therefore, heavy and need to be met suitably in larger public interest. Individuals are birds of passage while institutions are forever. The expectations of millions of cricket lovers in particular and public at large in general, have lowered considerably the threshold of tolerance for any mischief, wrongdoing or corrupt practices which ought to be weeded out of the system."

"The Anti-Corruption Code of BCCI accepts that if the confidence of the public in the purity of the game is undermined then the very essence of the game of cricket shall be shaken. BCCI has in no uncertain terms declared its resolve to protect the fundamental



imperatives constituting the essence of the game of cricket and its determination to take every step in its power to prevent corrupt betting practices undermining the integrity of the sport including any effort to influence the outcome of any match."

In R.V. Jockey Club, Ex. P Ram Racecourses Ltd. (1993) 2 All E.R. 225 (244), Lord Justice Stuart-Smith observed that:-

"Quite clearly the majority of cases, involving disciplinary disputes or adjudications between participants in the sport, will be of an entirely domestic character and based on the Contractual relationship between the parties. Such disputes have never been amenable to judicial review."

In the light of what has been stated above and evaluating the evidence presented to us, we are of the clear view that Mr. Nasir Jamshaid, who is a senior player has been involved in corrupt practices and by using his influence, has been approaching and corrupting young players and alluring them to fix matches and Spot Fixing. The role of intermediaries or go-between the bookies and players is vital, the players act on the enticement and assurance of the intermediate who has to be reliable person and comes up to his commitment, consequently a senior player with previous history with the players using his influence plays a




most important factor in the spot fixing and match fixing world. We have no doubt this position and influence was used by Nasir Jamshed who acted as negotiator and guarantor and approached several players for committing what may be termed as most heinous of act against the nation and cricket as sports. Keeping in view the standards of proof required to be applicable to the Tribunal under the Code, there is enough evidence to find Mr. Nasir Jamshaid guilty of misconduct under the Code.

In view of the above discussion, evidence and established facts on record, the Participant Nasir Jamshaid is found guilty of charge Nos. 1 3, 5, 6 & 7. It is found that he breached the Articles of the Code by contriving improperly and being a party to the agreement or effort to spot fixing aspect of the PSL-II Match, played between Islamabad United Vs. Pershawar Zalmi on 09-02-2017. It is also proved that with the effort of Nasir Jamshaid, a meeting was arranged between Khalid Latif, Sharjeel, Yousaf (Bookie) and his friend and in that meeting, Sharjeel Khan agreed to play 2 dot balls in one over and then 2 dot balls in the next over and Yousaf and Gora agreed to pay Rs.2.00 Million for the said spot fixing. Sharjeel Khan acted upon the said spot fixing and played two dot balls as agreed in two consecutive overs in the said match and later on, he was caught, tried and



convicted by the Anti Corruption Tribunal, PCB. Similarly, It is also proved and established on record that Khalid Latif also agreed to breach Articles 2.1.1, 2.1.2 and 2.1.3 on the asking of Nasir Jamshaid and agreed to use the colour bat grip, provided to him by the Gora and Yousaf (Bookie) and the said Articles were recovered from his bag along with other articles. Since he was not selected for the said match, he could not perform the agreed spot fixing. He was found guilty by the Anti Corruption Tribunal headed by Mr. Justice (Retd.) Syed Asghar Haider, that he on the asking of Nasir Jamshaid influenced other players to agree to the spot fixing and one of them was Sharjeel Khan, who acted upon the spot fixing on the asking of Khalid Latif and Nasir Jamshaid. Nasir Jamshaid also approached Muhammad Nawaz and tried to entice him to do spot fixing which he reported to PCB. All these evidences establish that the key person behind all the illegal activity was Nasir Jamshaid, who along with his friends (Bookies) contrived and influenced upon the players, who were taking part in PSL Match to be played in February, 2017, particularly, the match played between Islamabad United Vs. Peshawar Zalmi. We therefore, impose the following sentences against him:

Sr. #	Charge #		<u>Sentence</u>	<u>Fine</u>
I.	Charge	Breach of Article 2.1.1 of the Code by contriving improperly		



	No. 1	and being a party to the agreement / effort to fix aspects of the PSL match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.	10 YEARS	No Fine
II.	Charge No. 2	Breach of Article 2.1.1 of the Code by contriving improperly and being a party to the agreement / effort to fix aspects of the PSL matches played in UAE in February, 2017.	NOT PROVED	No Fine
III.	Charge No. 3	Breach of Article 2.1.2 of the Code by ensuring for betting and / or other corrupt purposes the occurrence of a particular incident in PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017 in Dubai.	10 YEARS	No Fine
IV.	Charge No. 4	Breach of Article 2.1.3 of the Code by offering a bribe and / or reward for fixing / contriving or otherwise, influencing improperly the progress conduct and other aspects of the matches played in UAE in February, 2017.	NOT PROVED	No Fine
V.	Charge No. 5	Breach of Article 2.1.4 of the Code by directly and indirectly soliciting, enticing, persuading, instructing facilitating Khalid Latif to breach Article 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.	10 YEARS	No Fine
VI.	Charge	Breach of Article 2.1.4 of the Code by directly and indirectly		

	No. 6	soliciting, enticing, persuading, instructing facilitating Sharjeel Khan to breach Article 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between Islamabad United Vs. Peshawar Zalmi on 09-02-2017.	10 YEARS	No Fine
VII.	Charge No. 7	Breach of Article 2.4.4 of the Code by failing to disclose to the PCB Vigilance and Security Department (without necessary delay) full details of the approaches and invitations received from Nasir Jamshaid to engage in corrupt conduct in relation to PSL, matches to be played in UAE in February, 2017.	01 YEAR	No Fine

Even after rehabilitation, if Nasir Jamshaid returns back, he shall not be given any import role in the management or administration concerning with the game of cricket.

Nasir Jamshaid shall be included in the list of persons to be avoided by the cricket players, Pakistan Cricket Board, ICC and Member Boards.

All sentences imposed shall run concurrently. The period of suspension, undergone by the Participant shall stand deducted from the sanctions imposed.

The Parties shall bear their own costs. The cost of the proceedings shall be borne by PCB.

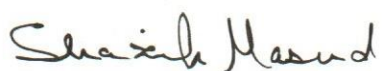


The record of proceedings with all other material shall stand consigned, be sealed and handed over by the Registrar of the Anti-Corruption Tribunal to the Senior General Manager, Vigilance and Security Department, PCB after the decision.

Parties may file appeal within 14 days of the receipt of the detailed decision before an Independent Adjudicator or the Court of Arbitration for Sports in Lawsanne, Switzerland.



Fazal-e-Miran Chauhan
Chairman

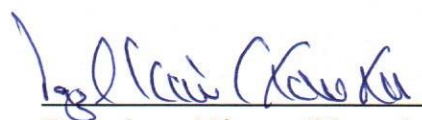


Shazib Masud
Member



Aqib Javaid
Member

Certified that this judgment consists of 48 pages, each of which has been dictated, corrected and signed by the Tribunal.



Fazal-e-Miran Chauhan
Chairman



Shazib Masud
Member



Aqib Javaid
Member