

**BEFORE MR. JUSTICE ® MIAN HAMID FAROOQ,  
THE INDEPENDENT ADJUDICATOR  
(PAKISTAN CRICKET BOARD)**

**(JUDGMENT/DECISION)**

**In the matter of:**

**APPEAL AGAINST DECISION DATED  
17.08.2018 PASSED BY LEARNED ANTI-  
CORRUPTION TRIBUNAL, PAKISTAN  
CRICKET BOARD FILED BY NASIR  
JAMSHAD.**

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**Dates of hearing:** 10.10.2018 and 12.10.2018

**Date of decision:** 19.10.2018

**Present:**

**For Nasir Jamshaid** Ali Raza Kabir, Advocate  
**(Cricketer/Participant):**

**For the respondent-PCB:** Taffazul Haider Rizvi and Haider Ali  
Khan, Advocates alongwith Salman  
Naseer, G.M. Legal PCB and Daniyal  
Imam, Assistant Manager, PCB.

**JUDGMENT/DECISION**

Nasir Jamshaid, Cricketer/Appellant (hereinafter referred to as Participant), through the institution of the instant appeal, has assailed the decision dated 17.08.2018 rendered by the learned Anti-Corruption Tribunal, Pakistan Cricket Board, comprising of Mr. Justice (R) Fazal-e-Miran Chohan (Chairman), Messrs Shazib Masud and Aqib Javed (Members) (hereinafter referred to as Tribunal), vide which, it after adjudicating upon the charges leveled against the participant by the PCB, recorded the impugned decision





on 17.08.2018. The operative and concluding portion of the said decision is reproduced below:-

*“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. Peshawar 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 alongwith 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 alongwith 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 #		Sentence	Fine
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.	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,	10 YEARS	No Fine



		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 Articles 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between Islamabad United v. 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."*

2. Although the facts of the matter leading to the filing of the appeal in hand have elaborately and in detail been tabulated in the impugned decision, yet the relevant facts necessary for the decision of the appeal, avoiding unnecessary details, are given below:-

3. The Pakistan Super League, Domestic Cricket Tournament of the PCB Second Edition PSL(2) was played in UAE and its final was held at Lahore on 5<sup>th</sup> of March, 2017. Following five teams comprising of Pakistani and foreign players participated in the said tournament:-

- i. Islamabad United,
- ii. Peshawar Zalmi,
- iii. Quetta Gladiators,
- iv. Lahore Qalandars, and
- v. Karachi Kings.


However, in the Third Edition of PSL played in 2018 one more team by the name of Multan Sultans was included in the format.

4. Nasir Jamshaid/Participant has been playing international/domestic cricket, he made his international debut in the year 2008 and he as a "cricketer" is, undisputedly, governed, amongst others Laws/Rules/Regulations, by PCB Anti-Corruption Code for Participants (hereinafter referred to as **Code**). According to the case of the PCB, during the course of investigation conducted by Anti-Corruption Vigilance and Security Department of PCB against Sharjeel Khan, Khalid Latif and other participants, it came to light that Nasir Jamshaid approached Khalid Latif, Sharjeel Khan




and Muhammad Nawaz (Cricketers), solicited and persuaded them to meet a spot fixer by the name of Yousaf Anwar and another person. Thus, the PCB, after finding that the conduct of Nasir Jamshaid was not in accordance with the standards set up by the PCB called upon the participant to appear before the Vigilance and Security Department to explain his conduct and proceedings under Article 5.1.12 of the Code were initiated and he was reprimanded. Muhammad Nawaz, Cricketer, who was solicited by the participant to involve into corrupt conduct, approached PCB without any loss of time and disclosed afore-mentioned facts to the relevant quarters of PCB.

5. After attaining knowledge of corrupt conduct/activities of Nasir Jamshaid, the Vigilance and Security Department of PCB, by exercising its authority under Article 4.1 of the Code, conducted the investigation and summoned Nasir Jamshaid to appear before PCB Vigilance and Security Department. PCB provisionally suspended him on 13.02.2017, Notice of Charge was issued to the participant on 04.04.2017, but the Participant avoided/failed to appear before the concerned authority. In view whereof, the matter was placed before the Anti-Corruption Tribunal PCB, before whom proceedings under Articles 2.4.6 and 2.4.7 of the Code were initiated against Nasir Jamshaid and he was issued notice for preliminary hearing. The learned Tribunal, after adjudicating upon the case and providing him opportunity of hearing to the learned



counsel for the parties, found him guilty of non-cooperation under Article 2.4.6 of the Code, pronounced its decision on 11.12.2017 and declared him ineligible to play cricket for a period of one year with the direction that the period of suspension already undergone shall stand deducted. Nevertheless, the learned Tribunal concluded that Charge No.2 under Article 2.4.7 of the Code was not proved and, thus, he was held not guilty under the said charge. It may be noted that this decision of the learned Tribunal was not challenged by Nasir Jamshaid and thus the said decision attained finality.

6. Now coming to the present matter. It is the case of PCB that in the proceedings/cases against Khalid Latif and Sharjeel Khan (Cricketers) concluded/decided by the Anti-Corruption Tribunals, it was *inter alia* established that Khalid Latif, Sharjeel Khan and Muhammad Nawaz (Cricketers) were persuaded and enticed by Nasir Jamshaid to meet the Bookie/spot fixer by the name of Yousaf Anwar; that Khalid Latif on the asking of Nasir Jamshaid also persuaded Sharjeel Khan to meet Yousaf Anwar and his friend and during the said meeting both of them agreed to the proposal of spot fixing, inasmuch as Sharjeel Khan executed the agreed plan of spot fixing. It may be noted that Sharjeel Khan and Khalid Latif were tried and convicted by Anti-Corruption Tribunals for spot fixing and their appeals were also dismissed by the learned Adjudicators.





7. After collecting the necessary material, *inter alia*, disclosed by Khalid Latif, Sharjeel Khan and Muhammad Nawaz against Nasir Jamshaid (Participant) regarding his illegal activities, PCB Vigilance and Security Department, issued a fresh Notice of Charge to Nasir Jamshaid under Article 4.6 of the Code and he was provisionally suspended with effect from 13.02.2018. He was charged as under:-

<i>Sr. #</i>	<i>Charge #</i>	
I.	Charge No.1.	<i>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.</i>
II.	Charge No.2	<i>Breach of Article 2.1.1 of the Code by contriving improperly and being a part to the agreement/effort to fix aspects of the PSL matches played in UAE in February, 2017.</i>
III.	Charge No.3	<i>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.</i>
IV.	Charge No.4	<i>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.</i>
V.	Charge No.5	<i>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.</i>
VI.	Charge No.6	<i>Breach of Article 2.1.4 of the Code by directly and indirectly soliciting, enticing, persuading, instructing, facilitating Sharjeel Khan to breach Articles 2.1.1, 2.1.2, 2.1.3 of the Code in respect of PSL Match played between</i>

		<i>Islamabad United v. Peshawar Zalmi on 09.02.2017.</i>
VII	Charge No.7	<i>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 by Nasir Jamshaid to engage in corrupt conduct in relation to PSL matches to be played in UAE in February, 2017.</i>

8. The corresponding punishment under the Code as noted by the learned Tribunal 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 upto a maximum of a lifetime.	

9. Nasir Jamshaid filed reply to the Notice of Charge through his learned counsel, which according to PCB did not fulfill the requirements of Article 4.6.6 of the Code, whereupon, the PCB vide email dated 06.03.2018 required Nasir Jamshaid to respond



within 7-days, whether he admits or deny the charges leveled against him. Nasir Jamshaid through his reply dated 09.03.2018, completely denied all the charges leveled against him in the Notice of Charge.

10. After observing all the codal formalities and fulfilling legal requirements of the Code and after finding participant's reply to the notice of charge unsatisfactory, the PCB under Article 5 of the Code, referred the matter to the three Member Anti-Corruption Tribunal comprising the following:-

<i>Mr. Justice Fazel-e-Miran Chauhan (Rtd)</i>	<i>Chairman</i>
<i>Mr. Shazib Masud</i>	<i>Member</i>
<i>Mr. Aqib Javed</i>	<i>Member."</i>

with the request to the learned Tribunal 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 the Code. Pursuant thereto, the learned Tribunal issued notice to the PCB and the participant, who did not personally appear before the learned Tribunal, however, he was duly represented by his learned counsel at all stages of the proceedings. The modalities were settled before the learned Tribunal by the parties. PCB submitted its opening brief, Participant filed the answering brief, to which the reply was filed by the PBC.

11. PCB produced as many as following 06 witnesses:-


- i. Mr. Salman Naseer, Manager Legal, PCB. (PW.1)
- ii. Col. ® Muhammad Azam Khan, Director, Vigilance and Security Department, PCB. (PW.2)

- iii. Mr. Muhammad Nawaz (Cricketer). (PW.3)
- iv. Mr. Andrew Aphrave, Senior Investigator, National Crime Agency, U.K. (PW.4)
- v. Mr. Brett Connolly, Senior Officer, National Crime Agency, U.K. (PW.5)
- vi. Sir Ronnie Flanagan, Chairman, I.C.C. U.K. (PW.6).

The witnesses were thoroughly cross-examined. Additionally, PCB produced certain documents, including certain whatsapp messages and closed its affirmative evidence.

On the other hand, the Participant though filed list of 08 witnesses ( at Page 161 of the appeal), which he intended to produce, yet he opted to appear himself as his witness and his statement was recorded through link on his request, which was accepted by the parties. He stated that the written statement to the opening brief be read as his statement.

12. The learned Tribunal after undertaking the lengthy proceedings/trial announced the decision on 17.08.2018, vide which, the learned Tribunal, *inter alia*, found Nasir Jamshaid guilty of charges No.1, 3, 5, 6 and 7, imposed the sentence of 10 years upon the Participant and banned him from playing cricket for 10 years on each count under charges No.1, 3, 5 and 6, and he was further sentenced for one year under charge No.7. However, it was held that charge Nos.2 and 4 could not be proved. It was directed that all the sanctions imposed by the Tribunal shall run concurrently and the period of suspension already undertaken by





the participant shall stand deducted from the sanctions imposed. The learned Tribunal passed the impugned decision on 17.08.2018, the operative and concluding portion whereof has already been reproduced in Paragraph No.1 *supra*, hence, the present appeal.

13. The Participant has filed the appeal seeking the following reliefs:-

*“For the reasons as stated above, it is most respectfully prayed before this Honourable authority that*

- i) this appeal be accepted and the impugned orders dated 17.08.2018 passed by the Anti-Corruption Tribunal, PCB be set aside; and*
- ii) the pending disposal of the main appeal, operation of the impugned orders be suspended.*

*Any other relief deemed appropriate may also kindly be awarded to the Appellant.”*

14. Learned counsel for the participant has raised the following contentions:-

- i. The learned Tribunal has relied upon insufficient and incredible evidence and the evidence available on record has not properly been considered and appreciated in its true perspective. In this regard he has referred to the statements of PW.1 (Barrister Salman Naseer), PW.4 (Andrew Aphrave) and PW.5 (Brett Connolly) to plead that these witnesses did not depose



against Nasir Jamshaid inasmuch as they have not uttered even a single word against Nasir Jamshaid.

- ii. The punishments/sentences/restrictions imposed by the learned Tribunal are unprecedented, harsh and discriminatory.
- iii. The learned Tribunal has ignored the mitigating nature of offence under Article 6.1.2 of the Code.
- iv. The learned Tribunal, while awarding punishment/sanction to the participant has completely ignored the doctrine of proportionality and under the circumstances the punishments/sentences awarded to the participant are harsh. He has referred to a judgment reported as Rimsha Shaikhani v. Nixor College through Board of Directors/Governors ad another (PLD 2016 Sindh 405).
- v. The word "From" has been used in 10<sup>th</sup> line of charge No.7, (whereunder, the participant was sentenced of one year), which makes the said charge ambiguous, not understandable and confusing.
- vi. Muhammad Nawaz another cricketer entered into an agreement dated 16.05.2017 (at Page 432 of the appeal), he got certain concessions from the PCB, and he under Clause 5(a)(ii)(3) of the said agreement






agreed to furnish sworn affidavit against the participant, thus he was an interested witness and could not be relied upon while awarding these harsh punishments to Nasir Jamshaid.

- vii. Certain restrictions imposed by the Tribunal, at Page 57 of the paper book/appeal and Page 47 of the impugned decision starting from word "Even" and ending with the word "Boards" are illegal, without jurisdiction and could not be imposed under the Code.

15. Learned counsel for the PCB, while emphatically refuting the afore-noted pleas raised by the learned counsel for the participant, has relied upon the statements of PW.1 (Barrister Salman Naseer), PW.2 (Col. Azam), PW.3 (Muhammad Nawaz) and PW.6 (Rhone) to state that there is sufficient evidence on record to establish that Nasir Jamshaid was not only himself involved in illegal and corrupt practices/conduct/activities, but he also persuaded, induced and enticed other cricketers/participants, namely Muhammad Nawaz, Muhammad Irfan, Khalid Latif, Sharjeel and others as well to involve into illegal and corrupt practices/activities. Besides, he has referred to the whatsapp messages, placed on record by the PCB, to substantiate his afore-said plea and added that those whatsapp messages were never denied by Nasir Jamshaid. He has stressed that Nasir Jamshaid never disclosed till date as to why he was arrested in U.K., and under what charges and he is now on police




bail, inasmuch as he failed to answer this deep rooted question even on the asking of the learned Tribunal. He has further stated that the additional punishments/sanctions imposed by the learned Tribunal, pointed out by Mr. Kabir as stated in Page 57, are justified, as the learned Tribunal under Articles 6.1.1.1 and 6.1.1.8 of the Code is empowered to impose any sentence/restriction, even outside the permissible sanctions, if it comes to the conclusion that there are aggravating factors to impose further sentence/restriction out of the permissible sanctions.

16. Learned counsel for the participant in rebuttal, in reply to the query raised by the learned counsel for PCB, i.e. that Nasir Jamshaid was arrested in U.K., nowadays he is on police bail and that he has not disclosed till date not even in his statement that under what charges he was arrested, admitted that Nasir Jamshaid was arrested in U.K., nowadays he is on police bail, but till date no charge was framed against him. He has added that he is not in the knowledge under what charges Nasir Jamshaid was arrested in U.K.

17. I have heard the learned counsel for the parties at length, minutely gone through the statements of witnesses and examined the available record/documents with the assistance of both the learned counsel.

18. The PCB has leveled 07 charges narrated in verbatim in Para-7 *supra* against the Cricketer/Participant in the notice of






charge and opening brief, which were thoroughly adjudicated upon by the learned Tribunal through recording evidence and undertaking hectic and prolonged trial. As noted above the PCB leveled 07 charges against the Participant/Appellant and obviously the onus to prove the said charges rested with the PCB, which in order to discharge the onus and to prove the said charges produced 06 witnesses namely Salman Naseer (PW.1), Col. Muhammad Azam Khan (PW.2), Muhammad Nawaz (PW.3), Andrew Aphrave (PW.4), Brett Connolly (PW.5) and Rhone (PW.6). Besides certain documentary evidence, including whatsapp messages etc. was also brought on record. The said witnesses owned their written statements, which were exhibited and they were subjected to lengthy cross-examination.

19. After production of the PCB evidence as noted above, it was the duty of the participant to rebut the evidence produced by the PCB. Upon the examination of the available record, I find that the participant submitted a list of witnesses (at Page 161 of the appeal) containing the names of the following persons:-

- i. Naeem Anjum.
- ii. James
- iii. Nasir Jamshaid
- iv. Khalid Latif
- v. Sharjeel Khan
- vi. Muhammad Irfan
- vii. Shahzaib Hassan
- viii. Yousaf.

It has been stated in the said document/list that Nasir Jamshaid reserved his right to call afore-said persons, as and when required,



for giving evidence in support of his arguments. Although the participant submitted a list of witnesses, as noted above, which he intended to produce during the trial, however, for the reasons best known to him he opted neither to produce nor summon any of afore-said witnesses and felt satisfied to record his own statement. It is noteworthy to state that the participant did not personally appear before the learned Tribunal and his solitary statement was recorded on video link, besides his answering brief was taken as Exh.P.1.

**Contention No.1**


20. I have examined the statements of the witnesses with the assistance of both the learned counsel for parties and is of considered view that the learned trial Court while deciding the charges has thoroughly and legally appreciated, discussed and dilated upon the evidence on record and adopted legal, valid and permissible reasoning and proceeded to decide the case on the touchstone of principle of preponderance of evidence and rightly came to conclusion that the charges against the participant stood proved.

It appears appropriate at this stage to discuss and dilate upon the statement of Nasir Jamshaid, who appeared as RW.1 as his own witness. His answering brief was taken as written statement and exhibited as Exh.P.1. He has categorically stated in cross-





examination that he did not know that why he was arrested in U.K. and since in U.K. the proceedings were in English, therefore, my advocate knows, but I do not know; that he has confirmed that he was arrested in U.K., that interpreter was arranged by National Crime Agency U.K. when he was arrested and that he was released on bail on the same day. He admitted that he knows a person by the name of Yousaf, but stated that he does not know any Yousaf Anwar. He has further deposed that he started his international cricket career in the year 2007-08 and during his cricket career he attended the lectures with regard to Anti-Corruption and that he understands what constitute spot fixing. He has also admitted that he knows Khalid Latif and Sharjeel Khan Cricketers and that they were also tried and arrested under Anti-Corruption Code. He has also admitted that he asked Khalid Latif to meet Yousaf, however, he does not know whether he met or not. He also admitted that he met Yousaf in Hotel Marriott at Slan. He has further stated that he came to know about the allegations against Khalid Latif and Sharjeel Khan on the second day of opening match PSL-2. He has further deposed that he knows Muhammad Nawaz Cricketer and that there is no enmity between Muhammad Nawaz and Nasir Jamshaid and that he does not know why everyone is taking his name. It is evident from the statement of Nasir Jamshaid that he made many admissions and in answer to the question put by the learned counsel for the PCB and the learned Tribunal, he conveniently avoided to answer material questions by merely



saying that he does not remember, while evidence available on the record suggested otherwise. In answer to Tribunal's question, Nasir Jamshaid admitted that he was arrested in U.K., that interpreter was arranged, when he was arrested and that, he was released on bail.

21. While adopting the appreciation of evidence by the learned Tribunal and reasoning rendered by it, I feel no hesitation in reproducing the following portion of the decision of the learned Tribunal, which is apt to the proceedings in hand, and reads as follows:

*"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 9<sup>th</sup> February, 2017. He deposed that during the 1<sup>st</sup> 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 conduct 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 mobiles data, technical analysis from FIA. The analysis was conducted in the presence and report issued is attached with the opening learned counsel for the petitioner seeks time to prepare the 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.8 Sir Ronald Hamgon, 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 "Goro" and the said Yousaf picked up Khalid Latif and then Sharjeel Khan and both agreed to conduct corrupt practice of spot fixing. ON the 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 of professionally disciplinary tribunal of competent jurisdiction and is not subject matter of appeal and in which certain facts one established or 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*



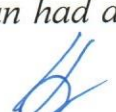
mobile phone of Khalid Latif, and the last message was received when the mobile of Khalid Latif was in the custody of Vigilance Unit of PCB (as Nasir Jamshaid did not know that Khalid Latif was caught at that time). From all the evidence produced, the Anti-Corruption Tribunal came to the conclusion that Khalid Latif was fully involved in the menace and scourge 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 Articles 2.2.4 and 2.4.5. Nasir Jamshaid 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 irrebutable 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 Headquarters 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 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 transactions of the bats and the payment of the transactions. In the conversation Nasir Jamshaid told Khalid Latif that he should not worry about the Gora as he is only there to verify the transaction. Throughout the conversation, 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 Jamshaid 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 effect, 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 couple of thousands of Rupees could not be justified. None of the other players support Nasir Jamshaid's assertion of doing business of buying and selling cricket bats, especially 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 learned appellate court 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 BHAJI BATAYA NAHI, KOI PLAN BANAYA NAHIN", on which he replied "

BRO NASIR BAI 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 admissions 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 Jamshaid 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."*

In the above perspective, I am of the firm view that the learned Tribunal has properly evaluated, appreciated and considered the evidence on record and on the basis of evidence/record rightly concluded that Nasir Jamshaid has been involved in corrupt practices/activities, he had been approaching other players for spot fixing etc. and found guilty of misconduct under the code. Above is the answer to the first contention of the learned counsel for the Participant.

### **Contention No.2.**

22. Now coming to the next contention of the learned counsel that the punishment/sentence is harsh and unprecedented. The learned Tribunal after finding Nasir Jamshaid guilty of charges No.1, 3, 5, 6 and 7 imposed sentence/sanction of 10 years on him



under charges No.1, 3, 5 and 6 on each count, while he was sentenced of one year under charge No.7. Needless to mention that the maximum punishment/sentence provided under Article 6.2 of the Code for the proved charges against Nasir Jamshaid, which could be awarded, is life time. To my understanding the learned Tribunal has still taken a lenient view as it, in view of the proved charges, instead of awarding him life time ban has imposed a lesser punishment. Moreover, the learned Tribunal has directed that all the punishments/sanctions would run concurrently, otherwise the learned Tribunal could have ordered that all the punishments/sanctions should run cumulatively for good reason shown. The PCB had also not questioned the quantum of sentence and opted not to file appeal for enhancement of sentence, otherwise possibility cannot be ruled out that the sentence/punishment inflicted upon Nasir Jamshaid could have been enhanced from ten years to life time. Nasir Jamshaid should be indebted/thankful to his stars. To my mind in such like cases the one in hand, when the charges are fully proved, the punishment/sanction should have been exemplary and more severe. Here it appears appropriate to reproduce an extract from the impugned decision (at Page 51 of the appeal and Page 41 of the impugned decision) which reads as follows:-

*“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 Jamshaid, 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:”*

23. In order to further strength the said proposition, I feel inclined to reproduce a portion of Para-32 of the decision/judgment recorded by me, while deciding two appeals in the case of Shahzaib Hassan (Cricketer/Participant), which reads as under:-

*“.....The learned Tribunal on the one hand, after thorough investigation, having undertaken hectic efforts, after analyzing each and every aspect of the charges No.2 to 4 and scanning the evidence on record produced by both the parties came to the definite conclusions and unequivocally held that charges No.2 to 4 against the cricketer stood proved and specifically opined that Shahzaib Hassan deserves much severer punishment and on the other hand while taking a lenient view has only punished the cricketer by placing a ban on him to play cricket for one year and fine of consolidated amount of Rs.1.00 Million. When the charges No.2 to 4 were proved, which have now been admitted by the cricketer by not challenging the decision on the said charges, then the punishment should have been more severe. Such a*

*punishment should be an exemplary one for the persons held to be involved in corrupt conduct and a deterrent to the other. In the cases of corruption, policy of the PCB should have been of zero tolerance as the element of corruption not only adversely affects the game of cricket, but also casts aspersions on the country as well. Once the element of corruption or/and corrupt practices/conduct is proved, then all concerned should make sincere endeavors to curb corruption by awarding extreme punishment. Of course it should commensurate with the nature and gravity of offence committed. Learned Tribunal after exercising restraint to give severe punishment to Shahzaib Hassan and after relying on the cases of Muhammad Irfan and Muhammad Nawaz awarded him only a nominal punishment, which to my kind does not commensurate with the nature of charges and gravity of offences, which stood proved. It is settled by now that court had an onerous responsibility to inflict fair, reasonable and adequate sentence, which should commensurate and proportionate with the gravity and the severity of charge proved. For reference reliance be placed on judgments reported on Muhammad Juman v. The State and others (2018 SCMR 318), Saif Ullah v. Divisional Superintendent, Postal Services, Faisalabad and another (2016 SCMR 1430), G.M. Pakistan Railways and others v. Muhammad Rafique (2013 SCMR 372), Secretary, Government of Punjab and others v. Khalid Hussain Hamdani and 2 others (2013 SCMR 817), Chairman/Secretary, Ministry of Railways, Government of Pakistan, Islamabad v. Aftab Mehdi (2013 SCMR 692), Muhammad Ali S. Bukhari v. Federation of Pakistan through Establishment Secretary, Islamabad and 2 others (2008 SCMR 214) and Secretary to Government of the Punjab,*



*Food Department, Lahore and another v. Javed Iqbal (2006 SCMR 1120).*

**Contention No.3**


24. As regards plea of the learned counsel *qua* mitigating nature of offences with reference to Article 6.1.2 of the Code. Under the said Article I find that in certain eventualities/happenings enumerated under Article 6.1<sup>2</sup>1 to <sup>6.1.2-106</sup>~~6.1.8~~, the nature of offence would be mitigated and a Tribunal may consider factors contained in the said Article, while granting punishment/sentence. Upon the examination of complete Article 6.1.2 of the Code, I find that none of the Clauses of Article 6.1.2 is attracted in the case in hand. Mr. Kabir Advocate has not been able to point out any clause of the said Article, which could help the Participant justifying mitigation of the nature of the offence. To my mind the said Article is not at all applicable in the case of the appellant. Suffice it to say that I have not been able to comprehend as to why the learned counsel has relied upon the said Article, while in fact, I feel that all the Clauses of said Article go against the appellant. Evidence on record clearly established that the Participant was undoubtedly involved in corrupt and illegal practices/activities. To say the least reliance on Clause 6.1.2 of the Code by the learned counsel for the Participant is misplaced and misconceived. The contention of the learned counsel has no substance and thus repelled.

**Contention No.4.**

25. Now coming to the plea of the learned counsel regarding proportionality of the sentence. In nutshell the stance of the learned counsel for the appellant is that punishment/sentence imposed upon a person should be proportionate to wrong committed. There can hardly be any cavil to this proposition. I have already stated while dilating upon this proposition in Para-23 of the present decision, after relying upon numerous judgments of the Honourable Supreme Court of Pakistan, that it is settled law by now that courts have onerous responsibility to inflict adequate sentence, which should commensurate and proportionate with the gravity and severity of the charge proved. Simultaneously, it is also settled law that every case is to be decided on its own facts and peculiar circumstances and this has so been held by the Sindh High Court in case of “*Rimsha Shaikhani*” *supra* relied upon by the learned counsel for the appellant. In this context it appears appropriate to reproduce an extract from the afore-said case, which reads as follows:-

*“It is settled law that each and every case is to be decided on its own peculiar circumstances and facts as laid down by the Honourable Supreme in Trustees of the Port of Karachi v. Muhammad Saleem, 1994 SCMR 2213, Muhammad Mal Khan v. Allah Yar Khan, 2002 SCMR 235, and Collector, Land Acquisition, Chashma Right Bank Canal Project, WAPDA, D.J. Khan and others v. Ghulam Sadiq and others, 2002 SCMR 677.”*

Now coming to the present case. I have already held while dilating upon the first contention of the learned counsel that on the basis of the evidence on record/material, it can safely be inferred beyond






any doubt that Nasir Jamshaid was not only involved in corrupt and illegal practices/activities, but he had also been approaching other players persuading/inducing them for spot fixing etc. Furthermore, I have also discussed in preceding Paras that under the circumstances the learned Tribunal has taken a lenient view, while imposing lesser punishment/sentence, rather it should have been more severe. Thus the plea of the learned counsel that the sentence/sanction awarded to the appellant is disproportionate to the offence/wrong committed by him has no force and thus repelled.

As regards the case of "Rimsha Shaikhani" *supra* suffice it to say that under the circumstances of the present case, the said judgment is of no avail to the appellant.

**Contention No.5.**

26. As regards the objection of the learned counsel in relation to word "from" appearing in 10<sup>th</sup> line of charge No.7. In order to resolve the said controversy, I have examined the notice of charge (Page-199 at Page 207 of the appeal), opening brief (Page-59 at Page-64 of the appeal) and charge No.7 narrated in the impugned decision (Page-11 at Page 17 of the appeal) and find that the word "by" had been used in the notice of charge and opening brief, while in the impugned decision when, charge No.7 was reproduced the word "from" was erroneously typed instead of the word "by",




which to my mind is a typographical mistake and can be termed as clerical mistake or/and accidental slip. This accidental slip and typing mistake/error in the impugned decision is of no advantage to the Participant. Had the learned counsel inspected the afore-said two documents than merely banking upon charge No.7 reproduced in the impugned decision, I am sure he would not have taken this frivolous objection.

**Contention No.6.**

27. Now adverting to the evidence of Muhammad Nawaz, whose statement was recorded as PW.3. It is true that the PCB and Muhammad Nawaz (Cricketer) in term of Article 5.1.12 of the Code entered into an agreement dated 16.05.2017 (at Page-432 of the appeal) and under the heading of "Agreed Sanctions" period of ineligibility of 02 months was imposed on Muhammad Nawaz and he undertook/agreed to furnish a sworn affidavit to the effect that he was approached by Nasir Jamshaid to engage in corrupt conduct. The said clause of the agreement is reproduced below for ready reference:-

*"3. That MN would furnish a sworn affidavit testifying that he was approached by Nasir Jamshaid to engage in corrupt conduct and in this regard would appear as PCB's witness in PCB's proceedings against Nasir Jamshaid; and"*

Pursuant to the said agreement Muhammad Nawaz Sworn an affidavit testifying that Nasir Jamshaid approached him and





persuaded him to involve in corrupt and illegal practices/activities and he subsequently appeared as a witness on behalf of PCB. He has, *inter alia*, stated that he was approached by Nasir Jamshaid, who persuaded him to involve into corrupt practice/activities. His statement was supported by other witnesses, who corroborated his statement, and material on record. During his cross-examination no question was put to Muhammad Nawaz suggesting that he was giving the statement only because of agreement, where under he got concessions or/and that he was won over by PCB. Upon the examination of written statement of Muhammad Nawaz and his cross-examination, it cannot be construed that he was either an interested witness or he was giving false statement. Learned counsel for the appellant has failed to demonstrate as to whether the said agreement was illegal, without consideration, against public policy or/and unenforceable. The contention of the learned counsel is misconceived having no force and thus rejected.

#### **Charge No.7.**

28. Now the next question, which needs to be addressed, is very vital. Learned counsel for the participant, while referring to a portion of the impugned decision (at Page 57 of the appeal) pleaded that the said portion of the decision is illegal and was passed without jurisdiction. While the stance of the learned counsel for the PCB is that the said portion of the decision is perfectly legal and justified as the learned Tribunal in view of Article 6.1.1.1 to 6.1.1.8

of the Code is empowered to inflict any sentence/sanction, even though not specifically provided under Article 6.2 of the Code.

Here it appears appropriate to pin point and reproduce the portion of decision, which is now the center of controversy, which reads as under:-

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

*Nasir Jamshaid shall be included in the list of players of persons to be avoided by the cricket players, Pakistan Cricket Board, ICC and Members of Board”*


(Hereafter referred to an additional punishment/sanction)

I have given anxious thoughts to the crucial question/proposition in hand. The learned Tribunal after undertaking hectic efforts and conducting the lengthy trial concluded that charges No.1, 3, 5, 6 and 7 stood proved against the participant and it imposed a sentence/sanction of 10 years under charge No.1, 3, 5 and 6 on each count while he was sentenced for one year under charge No.7. These sentences/punishments were perfectly justified, legal and completely within the compass of Article 6.2 of the Code, thus, I propose to affirm and maintain the findings and conclusions of the learned Tribunal on the said charges and sentences and punishments awarded to the participant.

However, the delicate and important questions are as to whether the said additional punishment/restriction are provided under Article 6.2 of the Code and secondly whether the learned Tribunal was



legally justified to impose sanction/punishment outside the table provided under Article 6.2 of the Code. Article 6.2. of the Code states that after considering all the factors described in Article 6.1.1 and 6.1.2 of the Code the Tribunal shall determine the appropriate sanction in accordance with the table given below. It is thus evident that the Tribunal is restricted to impose restrictions/punishments/sanctions upon a guilty Participant within the scope and parameters of Article 6.2 of the Code and the table. Upon the examination of the table, provided under Article 6.2 of the Code, I find that the additional restriction/sanction imposed by the learned Tribunal under discussion does not figure and are not provided in the table. In view whereof the answer to the first question is in negative. As regards the second question; after perusing the entire Code with the assistance of the learned counsel for the parties, I have not been able to trace out any Article, which empowers a Tribunal to impose such additional punishments/sanctions/restrictions. Even Sub-Articles 6.1.1.1 to 6.1.1.8 of the Code, heavily relied upon by the learned counsel for PCB, are not attracted in the situation in hand and do not authorize a Tribunal to inflict such additional punishment upon a guilty participant, even after imposing sentence/punishment provided under Article 6.2 of the Code. I am of the view that the learned Tribunal, while determining the appropriate sanctions upon a participant, had to remain and confine itself within the range and parameters of Article 6.2 and table therein. A Tribunal's powers to



punish a Participant after proving charges against him are not unfettered and unlimited, but those are restricted, as itself manifest from the bare reading of Article 6.2 of the Code. Needless to add that, undoubtedly, a Tribunal has the discretion to impose any sentence/punishment, it deems necessary, but it had to remain within the four corners of Article 6.2 and the table, and it has no power or even discretion to impose any sanction/punishment, which does not fall within the ambit and scope of Article 6.2 and table. Thus, I am of the firm view that the learned Tribunal, while awarding additional punishments/sanctions, undoubtedly, exceeded its jurisdiction conferred upon it under the Code, hence, the said portion of the decision, narrated above, could not be approved, legalized and sanctified. In view whereof the said portion of the decision is ordered to be reversed, set aside and the impugned decision stands modified only to that extent. Nevertheless, the rest of the decision/findings/punishments/sanctions, except the said portion, are maintained and affirmed.

In view of the above and for the foregoing reasons the appeal in hand is decided in the following manner:-

- a. The present appeal is partially allowed only to the extent that additional punishments/restrictions/sanctions awarded by the Tribunal, as stated at Page-57 of the appeal and Page-47 of the impugned decision





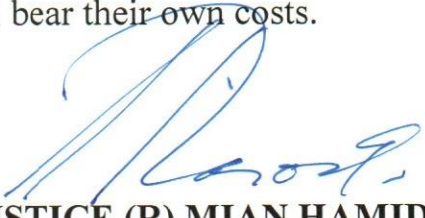
and reproduced below, are set aside and the impugned decision stands modified only to that extent.

*“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 players of persons to be avoided by the cricket players, Pakistan Cricket Board, ICC and Members of Board”*

- b. Findings/conclusions/decision/punishments/sanctions recorded by the learned Tribunal, except the portion relating to the additional punishments/restrictions noted above, are hereby maintained, affirmed and shall hold the field. To that extent the appeal stands dismissed.

- c. Parties shall bear their own costs.

  
**JUSTICE (R) MIAN HAMID FAROOQ**  
(Sole Adjudicator)

19.10.2018.