

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAWWAD S. KHAWAJA

MR. JUSTICE KHILJI ARIF HUSSAIN

CRIMINAL ORIGINAL PETITION NO. 70 OF 2012

(Contempt proceedings against weekly 'Pulse')

For the Prosecution	Dr. Faqir Hussain, Registrar, SCP Mr. Shahid Hussain, PRO, SCP Mr. Umar Salman, DPM, SCP (witnesses)
For alleged contemnor	Syed Zafar Abbas Naqvi, AOR Mr. Mohsin J. Baig, Editor-in-Chief (weekly 'Pulse') Samar Rao, Editor Production, Pulse
Date of Hearing:	10.09.2013

ORDER

Jawwad S. Khawaja, J. We refer to our previous order dated 4.6.2013. The said order shows that numerous opportunities have been provided to the respondents and many adjournments have been granted to them to ensure that their right of defence remains protected. It was clearly noted that today's hearing had been fixed on the asking of the respondents.

2. In the above backdrop it is hard to appreciate that the respondents have yet again made a request seeking an adjournment in the case although today's date had been *"fixed at the express request of Mr. Mohsin J. Baig who sought the specific date after ascertaining the availability of his witnesses, including the IT expert he seeks to examine as his witness. As such further adjournments will not be allowed"*.

3. It is stated by Mr. Mohsin J. Baig that Dr. A. Basit Sr. ASC has returned the brief to him for reasons not explained to him. Keeping in mind the above reproduced paragraph of our previous order dated 4.6.2013, we would have been justified in proceeding with the matter. In this respect the witnesses PW1, PW2 and PW3 are present in Court for submitting to cross examination by the respondents. However, Mr. Mohsin J. Baig seeks time to engage another counsel and to produce the witnesses for the respondents. We note that Dr. A. Basit Sr. ASC had returned the brief to the respondents on the last date of hearing i.e. 4.6.2013. In these circumstances there was ample opportunity of more than 3

months available to the respondents to engage counsel but they have chosen not to do so. Today Mr. Mohsin J. Baig has sought another adjournment to enable him to engage counsel.

4. The respondent has also stated that he had filed the affidavits of witnesses but the same were returned by the Office with objections. Syed Zafar Iqbal Naqvi learned AOR states that he had informed the respondents of the requirements of the Supreme Court Rules, 1980 and the procedure prescribed therein for assailing the objections raised by the Office. The learned AOR stated that the respondents, however, have not filed appeal against the objections as yet. The objections raised by the Office would have to be assailed through the appeal procedure set out in the Supreme Court Rules. Mr. Mohsin J. Baig states that the applications/documents filed by him were returned by the Office on 6.9.2013 and that within the next 2/3 days, an appeal will be filed against the order passed by the Office.

5. Let the matter now be listed for hearing on 24.9.2013 on which date the PWs shall be present for the purpose of their cross examination and the respondents shall also produce their witnesses, if they so choose, failing which the matter shall proceed further.

Judge

Judge

Islamabad
10.09.2013
A. Rehman