

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.2008-2020

Abbas Khan

Vs.

Waqar Ali & Another

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------------	----------------------------------	--

06.08.2020

Mr. Tariq M. Khan Marwat, Advocate for
petitioner.

Through the instant petition, the petitioner seeks direction for expeditious conclusion of trial, which respondent No.1 is facing in FIR No.206 dated 14.09.2019 under section 489-F PPC Police Station Noon, Islamabad.

2. Learned counsel for the petitioner, *inter alia*, contended that earlier, petitioner had filed a petition for cancellation of bail granted to respondent No.1, which was disposed of by this Court vide order dated 13.02.2020 (Crl. Misc. No.708-BC-2019) by directing learned trial court to conclude the trial within a period of four months. It was submitted that despite lapse of said period, trial has not yet been concluded without any plausible justification. It was contended that a direction be issued to learned trial court to conclude the trial expeditiously.

3. Arguments advanced by learned counsel for the petitioner have been heard and the documents, placed on record, examined with his able assistance.

4. Respondent No.1 is facing trial in the above mentioned FIR, which is pending before learned trial court.

5. This Court, vide order dated 13.02.2020 passed in Crl. Misc. No.708-BC-2019, had

directed learned trial court to conclude the trial within a period of four months. Neither any report has been furnished by learned trial court regarding compliance of said direction nor extension in time has been sought. The trial courts are to follow the directions issued by the superior courts and in case, needful is not done, extension in time is to be sought.

6. Moreover, forum of Member Inspection Team (MIT) has been created in the Islamabad High Court as well as other High Courts. This was done vide SRO No.744(I)/2013 dated 12.08.2014. This Court, in case titled 'Mst. Sabiha Laeeq Vs. District and Sessions Judge (West), Islamabad and another' (W.P. No.352-2020) reproduced the referred Notification spelling out the duties and functions of Member Inspection Team. For the sake of brevity, the rules are reproduced below:-

"2. The Hon'ble Chief Justice may appoint one or more District & Sessions Judges to work as Member(s) of the Inspection Team of Islamabad High Court, to perform the following functions:-

- a) To monitor the monthly performance of subordinate courts.***
- b) To inspect the sub-ordinate courts at random and on the directions of the Hon'ble Chief Justice.***
- c) To ensure quarterly inspection of the courts by its presiding officers and yearly inspection of all the courts within their jurisdiction by the District & Sessions Judges concerned.***
- d) To ensure compliance of the directions of the National Judicial (Policy Making) Committee (National Judicial (Policy Making) Committee) by the subordinate courts.***
- e) To suggest measures for eradication of corruption among the staff of the subordinate courts.***
- f) To speedily process the complaints regarding the work and conduct of the Judicial Officers of subordinate courts.***

- g) To deal with the informal complaints regarding the work and conduct of the Judicial Officers of subordinate courts.*
- h) To issue directions from time to time for regulating the work of the subordinate courts;*
- i) To examine the monthly jail inspection notes of courts and give suggestions/proposal in this regard and to put up the same before the Hon'ble Chief Justice.*
- j) To scrutinize the consolidated monthly performance reports received from each District regularly and submit the same with his own comments to the Hon'ble Chief Justice and the Hon'ble Inspection Judge/Hon'ble Judges of the High Court.*
- k) To redress the grievances of the public relating to delays, obstacles and irregularities in the disposal of the cases by the subordinate courts as well as grievances of the public arising due to illegalities, high-handedness, violation of rules and regulations by the official functionaries.*
- l) To maintain record of pendency and disposal of cases of Anti-Terrorism courts on weekly and monthly basis.*
- m) To make suggestions and recommendations deemed necessary for promotions of speedy disposal of cases and measures for convenience of the Bar and the litigant public.*
- n) To suggest special measures for disposal of old cases pending in the subordinate courts.*
- o) To coordinate the activities relating to Access to Justice Program.*
- p) To undertake and perform any other task specially assigned to him by the Hon'ble Chief Justice/Hon'ble Inspection Judge of the subordinate courts/Hon'ble Judges of Islamabad High Courts.*
- q) To study the weakness, bottlenecks of the procedure and the system and make recommendations/proposals for removing the same.*
- r) To maintain record and follow up action in view of the periodical inspections and other inspections of the subordinate courts by the Hon'ble Inspection Judge of officers of Islamabad High Court including Member Inspection Team*

(MIT) under the directions of Hon'ble Chief Justice, Islamabad High Court.

- s) To regularly obtain reports from the Criminal Courts about disposal of cases of women prisoners, juvenile offenders and prisoners involved in petty offences.*
- t) To ensure all time availability of a striking force for immediate action on complaints of corruption.*
- u) To monitor the performance of the process serving agencies, point out the deficiencies and dereliction in the performance of duty by the personnel of the process serving agencies, bring the same to the notice of concerned Authorities and suggest measures for effectively overcoming such deficiencies and shortcomings."*

7. The issue of delay in conclusion of trial falls within the scope of functions of Member Inspection Team and the petitioner ought to have moved the said forum, however, since direction has already been issued by this Court, instant petition seems to have been filed on the basis thereof.

8. In view of above, instant petition is disposed of with observations that learned trial court shall conclude the trial within a period of two months positively. Moreover, Member Inspection Team Islamabad High Court shall obtain a report from learned trial court, as to the reasons for failure to comply with direction earlier issued by this Court. The compliance report regarding the direction shall be furnished by learned trial court to the Member Inspection Team as well as Deputy Registrar (Judl.) of this Court for perusal in Chambers.

(AAMER FAROOQ)
JUDGE