

IN THE SUPREME APPELLATE COURT GILGIT BALSTAN, AT

GILGIT

Cr. Appeal No. 01/2011

**Before:- Mr. Justice Mohammad Nawaz Abbasi, Chief Judge
Mr. Justice Syed Jaffar Shah, Judge.
Mr. Justice Mohammad Yaqoob, Judge.**

Hajat Ali S/O Abdullah Shah R/O Nagar at preset H.C.

Gilgit – Baltistan police special branch Gilgit

Petitioner

VERSUS

The State

Respondent

**CRIMIAL APPEAL AGAINST THE ORDER DATED 17-09-2011
PASSED BY HONOURABLE CHIEF COURT GILGIT-BALTISTAN
WHEREBY THE PETITIONER HAS BEEN CONVICTED UNDER
SECTION ¾ OF CONTEMPT OF COURT ACT 1976 AND SENTENCED
HIM TO UNDER GO SIMPLE IMPRISONMENT WITH FINE OF RS.
5000/- IN DEFAULT OF PAYAMENT OF FINE FURTHER UNGERGO
SIMPLE IMPRISONEMTN OF ONE MONTH**

Present: Mr: Muhammad Issa, Sr Advocate and Mr. Johar Ali,
Advocate for petitioner
Advocate Gerneral Gilgit- Baltistan for the state
Haji jamal Khan, A.O. R.

ORDER DATED 19-10-2011

ORDER:

These connected appeals have been filed against the conviction and sentence awarded to the appellants by the Chief Court under contempt of Court Act 1976 read with Act 75 of Gilgit-Baltistan (Empowerment and Self Governance) order 2009. Having heard the learned counsel for the appellant and learned Advocate General as well as perused the record we find that the contempt proceedings were initiated against all the appellants but

charge sheet was framed only against Eman Shah and Tariq Hussain Shah whereas neither a proper show cause notice was issued to Hajat Ali, a police official and Atta ullah, Composer of "Daily Ausuaf" nor a formal charge was framed against them rather they on the basis of their statement recorded by the court during the contempt proceedings have been convicted. The allegation against Hajit Ali is that he sent a special report to his higher officer in official business containing contemptuous material and Atta ullah composer of the news item has been proceeded against in similar manner without issue of show cause notice and framing of charge as per requirement of law.

Eman Shah and Tariq Hussain Shah appellants have contested the show cause notice without filing a formal reply. The version of Eman Shah was that he had no knowledge of the contents of the news item, whereas the plea of Tariq Hussain Shah was that he on the basis of the report of official of Special Branch made fair comments in the news item. The learned counsel for the appellants submitted that due to lack of proper legal advice the appellants have contested the notice instead of tendering unqualified apology before the Chief Court and taking plea of lack of knowledge and fair comments in good faith made statement before the court accordingly, but having realized their mistake have repented and placed themselves at the mercy of court with unconditional apology.

The learned Advocate General has submitted that the appellants should have tendered unconditional apology before the Chief Court.

The perusal of record would show that Hajat Ali, and Atti ullah were not given proper show cause notice and also formal charge was not framed against them whereas charge was framed against Eman Shah and Tariq Hussain Shah after giving them proper show cause notice and they also in their statement before the court replied the charge in detail.

Be that as it may these appeals have been filed against the short order passed on 17-09-2011, whereas the main judgment was released on 10-10-2011, and appellants instead of tendering unconditional apology before this Court can avail the remedy of review petition before the Chief Court and limitation for filing of review petition has not yet expired. In consequence to the position taken by the learned counsel on behalf of the appellants, we without commenting upon the merits of the case deem it proper to dispose of these appeals with the observation that appellants may avail the remedy of review petition before the Chief Court and if so desire also tender unconditional apology before the Chief Court. In the Meanwhile till pending final disposal of review petitions, the appellants are released on bail subject to their furnishing of bails bound in the sum of Rs. One lac with one surety each, to the satisfaction of Registrar of the chief Court.

The appellants have been produced in court under custody and they shall be released from custody on furnishing of bail bounds. These appeals are disposed of.

Chief Judge

Judge

Judge