

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Manzoor Ahmad Malik
Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.445-L of 2020

*(Against the order dated 17.3.2020 passed by the
Lahore High Court Lahore in T.A. No.161169 of
2020)*

Akhtar Ali

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): In person.

For the State: Mr. Khurram Khan,
Additional Prosecutor General Punjab

For Respondent No.3: In person.

Date of hearing: 15.07.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Akhtar Ali, petitioner, is engaged in litigation with his estranged wife Tania Kousar; he is also accused in a criminal case registered at the instance of one Mst. Ghazala Bibi; he has arrayed both of them in his quest for transfer of cases pending adjudication before a learned Judicial Magistrate at Sheikhpura to a Court at Gojra District Nankana Sahib. After his failure before the learned District & Sessions Judge Sheikhpura, his request before a learned Judge-in-Chamber of the Lahore High Court Lahore met with no better fate and the learned Judge having found the motion scandalous and frivolous, burdened him with a cost of Rs.50,000/-. It is in this backdrop that he has resigned before us as a last resort.

2. In his move before the Courts below, we have found his accusations directed against the learned Judges as outrageous as well as scandalous; he has also targeted the members and office bearers of the local Bar, apparently having no axe to grind in his trivial contests wherein we have found the respondents equally reckless and abrasive. We view the repugnant course adopted by the parties before the learned Courts with disdain. It is fundamentally important for the peaceful preservation of any society that its Judges attend call of their office fearlessly with dignity, respect and independence so as to sit on the judgment between the contestants, regardless of their status or station, without let or hindrance. A society cannot countenance obstruction or

interference with the administration of justice without incurring disastrous consequences, therefore, to ensure freedom to a Judge within the remits of law is a duty cast upon all and sundry without exception and immunity,

3. The petitioner while hurling accusations threw both caution as well as courtesy to the wind and the learned Judge-in-Chamber was well within the bounds of law to saddle him with a substantial cost. The petitioner, however, before us has expressed remorse and regret, throwing himself at the mercy of the Court; he pledged profound respect and courtesy that appertains to a tribunal with an undertaking to be extremely careful in the future.

4. Restraint is a better part of judicial calling; we would never exercise coercive authority of the State vesting in us since time immemorial in order to wreak vengeance or as a means to uphold our dignity or respect that we solemnly believe '*must rest on surer foundations*', nonetheless, given the gravity of petitioner's reckless behavior we would not let him off without a tag. With a stern warning and while exercising restraint, we reduce the cost imposed by the High Court to a sum of Rs.2000/- as a symbolic reminder to the petitioner for his mischief.

5. We entertain no manner of doubt that the learned Magistrate, conscious of his calling as a tryst with divinity, uninfluenced by the scandalous conduct of the parties, would dispose of the pending matters in accordance with law, in the fullness of time with all convenient dispatch. The petitioner shall deposit Rs.2000/- as cost with the District Nazir Sheikhpura within a fortnight. Petition fails. Leave declined.

Judge

Judge

Judge

Lahore, the
15th July, 2020
Not approved for reporting
Azmat/-