

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Mr. Manzoor Ahmad Malik  
Mr. Justice Mazhar Alam Khan Miankhel  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Appeal No.518 of 2010**

*(Against the order dated 26.01.2009 passed by  
the Islamabad High Court Islamabad in Criminal  
Original No.73 of 2008)*

***Securities and Exchange Commission of Pakistan***

*...Appellant(s)*

**Versus**

***Nadeem H. Shaikh and others***

*...Respondent(s)*

For the Appellant(s): Syed Hamid Ali Shah, ASC  
Mr. Tariq Aziz, AOR

For Respondent Nos.  
5,6,9,14,16: Mr. Tanvir-ul-Islam, ASC

For Respondent Nos.18 & 19 Mr. Naeem Bukhari, ASC

For Respondent No.3 Mr. Nayab Gardezi, ASC

Date of hearing: 27.10.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Impugned herein is order dated 21.1.2009, passed in Criminal Original No.73 of 2008 titled as Security & Exchange Commission of Pakistan Vs. Nadeem H. Sheikh & 32 others by the then Islamabad High Court to draw up proceedings against two from amongst a large array of the respondents under section 282-K of the Companies Ordinance, 1984. Exoneration of majority of the respondents was assailed through leave of the Court granted vide order passed as far back as on 14.12.2010. It is in this backdrop that despite repeated directions and opportunities generously granted by the Court from time to time, the appellant persisted in its failure to provide the addresses of the respondents so as to bring the issue, in the fullness of time, to its logical end, sooner rather than later; last order being on 25.02.2020 that runs as follows:

*“Ibrar Saeed, Law Officer appearing on behalf  
of the appellant requests for four weeks’ time.  
Time as requested is granted, but with a*

*caution that in case the appellant still fails to comply, the appeal shall stand dismissed. The notice stands discharged.”*

There is no improvement in the state of affairs even today; the learned counsel for the appellant, when confronted with the non-compliance, stated that he had furnished requisite information to the Advocate-on-Record, however, the latter when summoned, took a different plea, diametrically inconsistent with the position taken by the former and instead persuaded the Court for substitute service, a request that cannot be acceded to without disregard to the order earlier passed by this Court.

Law assists the vigilant even in causes most valid and justiciable. Similarly, fixation of cases before Benches entails public expense and time, that must not be incurred more than once in the absence of a reason most genuine and compelling. Delay caused by the appellant in doing the needful is exasperating. We do not feel persuaded to allow this long drawn inaptitude to further encumber pendency of the Court. Dismissed.

**Judge**

**Judge**

**Judge**

Islamabad, the  
27<sup>th</sup> October, 2020  
Not approved for reporting  
Azmat/-