

[Supreme Court of Pakistan]

Present: Manzoor Ahmad Malik, Syed Mansoor Ali Shah and Qazi Muhammad Amin Ahmed,**JJ****AKHTAR ALI---Petitioner****Versus****The STATE---Respondent**

Criminal Petition No. 445-L of 2020, decided on 15th July, 2020.

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

Criminal Procedure Code (V of 1898)---

---S. 526---Transfer of case from one court to another, application for---Scandalous and frivolous application containing accusations directed at judges---Remorse and regret shown by applicant---Cost imposed by High Court, reduction in---Before the Courts below, during proceedings for transfer of case, the petitioner had directed outrageous and scandalous accusations against the Judges and also targeted the members and office bearers of the local Bar---Petitioner while hurling accusations threw both caution as well as courtesy to the wind and the High Court was well within the bounds of law to saddle him with a substantial cost of Rs. 50,000---Petitioner, present before the Supreme Court, had expressed remorse and regret, throwing himself at the mercy of the Court; he pledged profound respect and courtesy that had to be given to a tribunal with an undertaking to be extremely careful in the future--Restraint was a better part of judicial calling, nonetheless, given the gravity of petitioner's reckless behaviour he could not be off completely---Supreme Court with a stern warning and while exercising restraint, reduced the cost imposed by the High Court from Rs. 50,000 to Rs.2000 as a symbolic reminder to the petitioner for his mischief---Petition for leave to appeal was dismissed and leave was refused.

Petitioner in person.

Khurram Khan, Additional Prosecutor General Punjab for the State.

Respondent No. 3 in person.

Date of hearing: 15th July, 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 and 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.

MWA/A-29/SC Order accordingly.