

## **ORDER SHEET**

### **IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

*Criminal Revision No.S-19 of 2023*

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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01. For orders on M.A.No.522/2026. (U/A).  
02. For orders on M.A.No.21/2026. (U/S.204 C.P.).

**06.02.2026.**

Syed Kazim Raza Shah, Advocate for the applicant.

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1. Urgency granted.
2. The applicant has filed Contempt Application No.21 of 2026 under Article 204 of the Constitution of the Islamic Republic of Pakistan, alleging non-compliance of this Court's order dated 23.10.2023, whereby the earlier order dated 04.03.2023 rejecting the complaint under Sections 3 and 4 of the Illegal Dispossession Act, 2005, with direction to file a civil suit, was set aside. While disposing of the matter, this Court directed the learned Sessions Judge, Larkana, either to try the complaint himself or to assign it to any other Additional Sessions Judge having jurisdiction, for decision within a period of six months, under intimation to this Court.

Learned counsel for the applicant contends that despite specific directions issued by this Court to proceed with the matter and conclude the trial within the stipulated period, the same were not complied with, which amounts to wilful disobedience; therefore, contempt proceedings should be initiated against the Presiding Officer/1st Additional Sessions Judge, Larkana.

Heard learned counsel for the applicant and perused the material available on record.

Perusal of the diary sheets reflects that on 07.11.2023, the criminal complaint was brought on regular file, where after bailable warrants were issued against the respondents. The record further shows that the proceedings are continuing and the trial is under process. So far as the

contempt proceedings against a judicial officer are concerned, it is necessary to examine the matter in the light of the Judicial Officers' Protection Act, 1850. Section 1 of the said Act provides complete protection to a Judge or Magistrate in respect of any act done or ordered to be done in the discharge of judicial duties, provided the same is done in good faith. This statutory protection extends not only to acts but also to omissions arising out of judicial functions. Similarly, concerning criminal liability, Section 77 of the Pakistan Penal Code provides a general exception in respect of acts done by a Judge when acting judicially in the exercise of powers conferred by law, even if such acts are erroneous, so long as they are done in good faith. For ready reference, the same are reproduced as under:-

**Judicial Officers' Protection Act, 1850. Section 1:** *Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.*

**Section 77 PPC:** *Act of Judge when acting judicially: Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.*

It is a settled principle of law that directions issued by a Superior Court for expeditious disposal of a case, including directions to decide or conclude proceedings within a specified time, are directory in nature, unless the order itself expressly provides consequences or records deliberate and wilful defiance. For attracting the contempt jurisdiction under Article 204 of the Constitution, wilful, intentional, and deliberate disobedience must be established. Mere delay in the conclusion of proceedings, particularly where the record reflects that the matter is under

process and steps have been taken by the trial court, does not constitute contempt. Being fortified by the Landmark judgment of this Court in the case of **Mst. Ameer Jehan alias Bisma Noureen v. The State and others, reported as PLD 2021 Sindh 145.**

In the present case, no material has been placed on record to show that the Presiding Officer acted with mala fides or deliberately disobeyed the directions of this Court. The fact that the complaint was taken on regular file and proceedings have progressed negatives any allegation of intentional defiance. Therefore, mere non-conclusion of the trial within the stipulated period, by itself, does not attract contempt jurisdiction. Furthermore, any issue relating to delay or conduct of a judicial officer falls within the administrative control and superintendence of the High Court under Article 203 of the Constitution and cannot ordinarily be made subject of contempt proceedings.

In view of the foregoing discussion, the contempt application is found to be misconceived, devoid of merit, and beyond the scope of contempt jurisdiction; it is, therefore, dismissed.

*JUDGE*