

IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Muhammad Ali Mazhar and Agha Faisal, JJ.**

CP D 5817 of 2014: Rana Faizul Hassan vs.
Government of Sindh &
Others

For the Petitioner: None

For the Respondent
Nos. 1 & 2: Mr. Salman Talibuddin
Advocate General Sindh

For the Respondent
No. 3: Mr. Farooq H. Naek
Advocate

Date of hearing: 12.03.2019

Date of Announcement: 12.03.2019

JUDGMENT

Agha Faisal, J.: This Petition was filed seeking initiation of contempt of Court proceedings against the respondent No.3, Sharjeel Inam Memon, for having made a speech on the floor of Provincial Assembly, which according to the petition, amounted to contempt of Court.

2. Briefly stated, the matter pertains to a speech made on the floor of the Provincial Assembly of Sindh on 14.11.2014, and the same was considered to be contumacious in the consideration of the petitioner, since deceased. Since the issue of contempt is between a Court and an alleged contemnor therefore the matter was continued and not dismissed on account of the petitioner's demise. Notice was repeated upon the respondents and comments, filed in response by the Respondent No.3, are also on record.

3. Mr. Farooq H. Naek, Advocate appeared in Court on behalf of the Respondent No.3 and at submitted at the very onset that the respondent No.3 would have been present himself before the Court, however, he precluded from doing so on account of being

incarcerated. Learned counsel submitted that the respondent No.3 holds the judiciary in high esteem and that there was no attempt or inclination whatsoever to bring the institution into disrepute at any time whatsoever. Learned counsel referred to the speech in question and submitted that the same was quoted and construed out of context. Per learned counsel, the speech was in context of the perception of the Anti-Terrorism Courts at the said time, when the issue was also being raised *inter alia* by the superior judiciary itself. Learned counsel categorically submitted that, notwithstanding the elucidation provided herein, the respondent No.3 tenders an unconditional apology, if any slight has been occasioned on account of his privileged speech on the floor of Provincial Assembly.

4. Mr. Salman Talibuddin, learned Advocate General Sindh, submitted that the speech on the floor of the Provincial Assembly is privileged under Article 69 of the Constitution. It was further submitted that the speech in question was a generalized assessment with regard to the then perception of the Anti-Terrorism Courts in general and that no observation was made with regard to any specific Judge and thus the speech was also in consonance with Article 68 of the Constitution. It was thus contended that the present petition was misconceived and there was no ground to initiate contempt proceedings against the respondent No.3.

5. We have heard the argument of respective learned counsel and have also considered the written response filed by the respondent No.3. The unconditional apology tendered on behalf of the respondent No. 3 is accepted and as a consequence thereof this petition is disposed of.

JUDGE

JUDGE