

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Original No. 197-W/2023

The State
Versus

Mr. Irfan Nawaz Memon, District Magistrate & others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(17)	20.02.2024	Mr. Qaiser Imam, Prosecutor. Raja Rizwan Abbasi, Advocate for respondent No.1. Mr. Shah Khawar and Mr. Babar Hayat Samore, Advocate alongwith respondent No.2. Ms. Bushra Qamar and Mr. Muhammad Fahim Akhtar Gill, Advocate alongwith respondent No.3. Syed Waqar Ali Shah, applicant/Record Keeper, Deputy Commissioner's Officer, Rawalpindi. Mr. Yasir Afridi, AIG, Special Branch, Islamabad. Mr. Riazul Haq, Incharge Control, Intelligence Bureau, Islamabad. Respondent No.4, in person.

The learned counsel for respondent No.1

informed the Court at the outset that Irfan Nawaz Memon was not present before the Court as he had received directions from his mother that he must receive them at his ancestral home for their onward journey to Saudi Arabia on 22.02.2024, which is why he had no option but to leave for Khairpur today.

2. The respondent, Irfan Nawaz Memon, is an accused in a matter that is being tried by this Court on a day-to-day basis. The order sheet reflects that while the show cause notice

was issued to Irfan Nawaz Memon on 15.08.2023, the proceedings in the matter have suffered delays to accommodate the respondents and the convenience of their learned counsels. His counsel had informed the Court on a previous hearing that the said respondent wished to proceed for Umrah on 22.02.2024 and was advised that the trial will hopefully be concluded before then. On 19.02.2024 respondent No.1 sought exemption from personal appearance at the hearing today. This Court did not grant exemption from personal appearance as the matter was fixed today for final arguments. It is inexplicable how, despite the denial of exemption from personal appearance, the Deputy Commissioner could choose to defy the order of this Court and choose not to appear before the Court today even though the matter was fixed for final arguments and the time for hearing was fixed at 02:30 pm on the request of the learned counsels for the parties to suit their convenience.

3. Let non-bailable arrest warrants be issued for the production of Deputy Commissioner, Islamabad Capital Territory, Irfan Nawaz Memon, before this Court tomorrow i.e. **21.02.2024** at **9:00 am**. The arrest warrants will be executed by the

Inspector General of Police, Islamabad, the Inspector Generals of Police for any of the Provinces and Territories of Pakistan in whose jurisdiction the respondent Irfan Nawaz Memon is found, and DG FIA if the respondent is found at an airport, seaport or border-crossing. He shall be produced before the Court at tomorrow at 9:00 am.

4. Let the Ministry of Interior and DG Passports also ensure that the name of Irfan Nawaz Memon is placed on the Exit Control List (ECL) so that he is unable to leave the territorial jurisdiction of Pakistan.

5. Given that the petitioner has already been issued show cause notice and a charge has been framed he was under an obligation to appear personally before this Court. The petitioner was before the Court yesterday i.e. 19.02.2024 and it was in his presence that he was informed that his request for being granted exemption from appearance before the Court at the hearing today is not being allowed. His refusal to abide by the order of this Court and skip the hearing today without any plausible explanation, *prima facie*, constitutes contumacious contempt of the order of this Court to appear in person today and appears to be aimed at delaying the adjudication of the matter and frustrating the proceedings from

being concluded. Let a show cause notice also be issued to him for why he should not be punished for such defiance and obstruction of justice under Sections 3,5 and 17 of the Contempt of Court Ordinance, 2003, read together with Article 204 of the Constitution.

6. To come up for tomorrow i.e.

21.02.2024.

**(BABAR SATTAR)
JUDGE**

Shakeel Afzal

