

**BEFORE THE HONORABLE SUPREME JUDICIAL COUNCIL OF PAKISTAN**

Supreme Judicial Council Reference No. \_\_\_\_\_/2021

Riaz H. Rahi, Advocate Supreme Court of Pakistan, Member Supreme Court Bar Association, Supreme Court Building, Islamabad.

**COMPLAINANT**

**V E R S U S**

Mr. Justice Arbab Mohammad Tahir, Honorable Judge of Islamabad High Court, Islamabad.

**RESPONDENT**

**COMPLAINT UNDER RULE 5 (1)(b) OF THE SUPREME JUDICIAL COUNCIL PROCEDURE OF INQUIRY RULES, 2005 FOR AN ACTION UNDER ARTICLE 209 (5) OF THE CONSTITUTION.**

Respectfully Sheweth:

Whenever judges fail to deliver Justice in accordance with law, they blame advocates unilaterally for their poor assistance by keeping aside the actual facts that they failed to provide full and fair hearing (within the meaning of PLD 1954 F.C. 123 ) to them. Some of the judges have got habit to argue rather to listen, frequent interferences in the arguments of lawyers due to which styles of advocacy are being suppressed and independence of lawyers is being hampered although they are equal partner being the officer of the court in dispensation of justice. Hence this reference inter alia on the following facts & grounds.

### **FACTS & GROUNDS:-**

1. That the informer is a life member of Supreme Court Bar Association, Islamabad High Court Bar Association and founder member of "The Jurists Foundation of Pakistan" and being the responsible citizen of Pakistan, he want to discharge his duty under Article 5 (2) of the Constitution and under Rule 2(e) of Supreme Court Bar Association Rules, 1989 to act for the supremacy of law and to advance the cause of justice by attempting to defend the independence of advocacy in order to strengthen rule of law. He is of firm belief that if Advocates cannot fight for their own rights; then, they may not claim advocacy for others. Hence, this information.
2. That the complainant appeared before the respondent on 8-07-2024 in Cr. Mis. No. 1225/2024 titled as Muhammad Riaz Kiani Vs. Janat Gul etc. and sought permission to argue legal objections with regard to the maintainability of the petition as the petitioner filed petition U/S 561-A Cr.P.C challenging therein order passed by the learned ASJ while exercising Revisional jurisdiction and statutory bar exist U/S 439(4)(b) Cr. P.C & also there were no pending proceedings against which petition was preferred. The complainant was equipped with law & case law & under impression that the learned judge would adjudicate on objection either by accepting or overruling the same but the learned judge raised oral objection that the complainant has superseded the first right of arguing the case but not waited for his turn and adjourn the case for next week. The learned respondent also required surety bond from the petitioner

while passing initial order on 4-07-2024 beyond the scope of Sec.561-A Cr.P.C.

3. That the respondent did the same in earlier case of the complainant while allowing pre arrest bail on the grounds of bail after arrest on 20-05-2024 while passing order in Cr. Mis. No.840/2024 titled as Mujeeb Ur Rehman Vs. The State in heinous offense U/S 324 PPC where the occurrence was admitted.
1. That U/A 175(2) as interpreted in different judgments i.e. PLD 2015 SC. 401, Courts have jurisdiction only as required by law and constitution and the Honourable Judges haven't jurisdiction to decide on the basis of their personal wishes, choices and pleasure.
2. That the learned respondent summoned the president of the bar Mr. Riasat Ali Azad for help & support over the incident of 8-07-2024 instead of learning which made it essential for the complainant to draft this complaint so that actual facts may come on surface.
3. That the respondent cannot conduct Court on the basis of personal liking and disliking which is not Judicial norm in view of Al-jehad's Case PLD 1996 SC 324 but the respondent while passing orders is required to observe limits as provided under the Constitution , Oath & Code of Conduct.
4. That the respondent started court 40 minutes late on 8-04-2024 which is valuable public time and code of conduct require from all

the judges including the respondent to remain punctual in point of time.

5. That the respondent violated Art. I, II, iv, ix of Code of Conduct. by ignoring law , equality principal , avoid calmness while conducting court , not punctual in time , failed to ensure that Justice is not only been done but it has seen to be done and thus damaged the integrity of the institution of justice which acts are unbecoming for every judge including the respondent.

*[The above allegations are on the basis of record also available on the High Court website for kind consideration]*

**PRAYER:**

It is most respectfully prayed that an inquiry may please be initiated in view of the above allegation and proceed as per law.

**COMPLAINANT**

**RIAZ H. RAHI**

Advocate Supreme Court  
CEO-The Jurists Foundation  
Cell: 0333-7436493

Note:

- ❖ Copy of this complaint is also being sent to the President of Pakistan for his kind perusal and proceeding in accordance with Law

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**AFFIDAVIT**

I, Riaz H. Rahi, Advocate Supreme Court of Pakistan, Member Supreme Court Bar Association, Supreme Court Building, Islamabad, do hereby solemnly affirm declare on oath as under:-

That the contents of the complaint are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

**DEPONENT**

**VERIFICATION:**

Verified on oath at Islamabad on\_\_\_\_this day of July 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

**DEPONENT**