A High Court in Pakistan, consisting of a Division Bench, dismissed the petition of striking down the charges against the former military dictator of Pakistan, Pervez Musharraf and transfer the case from the Anti-Terrorism Court to the sessions Court. The reason for dismissing the case that was given by the Bench comprising of Cheif Justice Athar Minallah and Miangul Hassan Aurangzeb Justice was absence of the accused Pervez Musharraf’s lawyer again and again during the hearing of the case. The seventy-five year old militant had filed the petition to strike down the charges against him on the basis that formerly, a first information report was registered against him for detaining of some sixty judges of the judiciary for more than five months at their residence under the Penal Code of Pakistan after allegedly imposing an emergency around the end of November 2007. But, later the charges that were framed initially against him were modified and substantially changed. In 2013, the Islamabad High Court, comprising of a single bench had ordered to frame charges against him using anti-terror law. The reason that the High Court had given was that detention of judges of the senior judiciary is an act which constitutes terrorism.

Prior to the petition filed by Musharraf, the Anti-Terrorism Court had identified him as a proclaimed offender in this case. There is substantial evidence that is produced from the prosecution side. However, the trial had ceased as the accused remained absconding. Later, a decade back in 2009, the Secretariat of Police, on the complaint of a lawyer, namely Mohammad Aslam Ghumman had again filed a case against him in the case of detention of judges. The lawyer of Musharraf had challenged the charges against his client. He contended that though the charges were framed against him by the Islamabad Court, the charges were not proved during the course of investigation according to section 7 of the Anti-Terrorism Act, 1997. However, a division of the Islamabad High Court had rejected the contention of the lawyer by holding that such allegations which deny the charges against Musharraf cannot be considered as evidence.

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