

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

CrI. Misc. Appln. No.S-90 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on M.A.No.1069/2024.
2. For orders on office objection 'A'.
3. For orders on M.A.No.1070/2024.
4. For hearing of main case.

14.03.2024

Applicant Ghulam Farooq Mahar, is present in person.

Mr. Ali Anwar Kandhro, Addl. P. G.

Applicant is present in person, submits that he has been facing trial in respect of Sessions Case No.104/2020 Re-State v. Ghulam Farooq and others, before the Court of Ist. Additional Sessions Judge, Shikarpur, which is outcome of FIR No.59/2019 under section 302, PPC registered with Police Station Chak.

Applicant submits that on the date of hearing i.e. 04.03.2024 before the trial Court, he could not attend the Court, as on that date he was to appear before the Principal Seat at Karachi before the Division Bench in connection with CrI. Misc. Appln. No.303 of 2019 Re-Muhammad Afzal v. The State and others. He further submits that due to his non appearance, the trial Court has issued NBWs against him. However, he undertakes to surrender before the trial Court, if the NBWs issued against him are suspended. In support of his contention, he has placed on record copy of Judgment dated 4th March 2024 passed by learned Division Bench of this Court at Principal Seat at Karachi, which affirms his presence over there.

Learned Addl. P. G present in Court in some other matters, waives notice of instant Misc. Application and records his no objection.

Since the applicant was all along on bail before the trial Court and he remained absent from the trial Court only on 04.03.2024

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due to his appearance at Principal Seat at Karachi, hence issuance of NBWs against him is not only coercive process but is harsh too.

Since the applicant has surrendered before this Court thereby has completely put himself upon the mercy of Court, hence he does not want to become fugitive from law, thus his intention is to be considered as he wishes to surrender before the trial Court and face the trial. Therefore, the contention so raised by the applicant carries weight.

In the circumstances, contention so raised by the applicant carries weight. Accordingly, order dated 4th March 2024, passed by the trial Court, whereby the NBWs have been ordered to be issued against the applicant in aforesaid Sessions Case is set aside. Applicant present undertakes to appear before the trial Court by tomorrow when the case is already fixed before it. Crl. Misc. Application stands disposed of. A copy of order shall be sent by fax to trial Court through Sessions Judge, Shikarpur, for compliance.


Judge

M.Y.Panwhar/**