

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Appeal No.351 of 2005

Date

Order with signature(s) of Judge(s)

For hearing of Case

27.05.2016

None present for the appellant.
Ms. Rahat Ahsan, D.P.G.
SHO Shoail, P.S Ferozabad.
Mst. Qamar Aliya, Daughter-n-Law of Deceased.
Complainant Pervaiz Moin, present.

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SHO despite undertaking that he will arrest the absconding accused has failed to arrest and produce him. He is so smart man that it is 10:00 a.m and the Court was waiting for him since 8:30 a.m. He is given only three days to arrest and produce appellant, who is absconding and has used motorbike in committing the offence of Qatal-e-Khata under Section 320 PPC. He is absconding despite the fact that his real brother was surety in this case and motorbike was handed over to his real uncle, Shahzad by police illegally.

On the last date of hearing Shahzad, to whom Suzuki Motorbike was unlawfully and illegally handed over by the police despite the fact that he was neither the owner of the motorbike nor he was on the spot or riding bike at the time of accident. This illegal conduct of the police is main source of encouragement in the crime of accident because everybody knows police will not take action against them rather cooperate and their cooperation is obvious. Despite repeated NBW issued no efforts have been made by the police to arrest

the accused / appellant though whereabouts of the absconding appellant are known to Shahzad to whom police has handed over case property. Shahzad was given one week time to produce motorbike and he has failed to produce the same nor he is in position to compensate the State in terms of Mushirnama of handing over possession to him. Therefore, he is arrested and remanded to jail custody till 31.5.2016. The jail authorities are directed to produce Shahzad before the Court on 31.5.2016.

To come up on 31.5.2016 on which date if SHO fails to produce the absconding appellant he will be suspended and SSP East, should be present in Court in person on **31.5.2016**, at 11:00 a.m. Copy of this order be faxed in the office of SSP, East and SHO is also directed to officially send copy of this order to the SSP East and place on record acknowledgment of delivery of order in the office of SSP East, Karachi.

JUDGE

SM