

ORDER-SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Revision Application No.S-64 of 2019

1. For orders on MA No.3472 / 2019.
2. For orders on MA No.3473 / 2019.
3. For hearing of main case.
4. For orders on MA No.3474 / 2019.

Date of hearing: 30.04.2019.

Date of order: 30.04.2019.

Applicant: Salman Gul Khokhar through Mr.Mohammad Jamil Ahmed, Advocate who filed Vakalatnama today, taken on record.

Respondents: Through Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh who waived notice of this criminal revision application.

ORDER

Fahim Ahmed Siddiqui, J: - Through instant criminal revision application, the applicant seeks setting aside the issuance of NBW against him by the learned Special Judge, Anti-corruption [provincial] Hyderabad, in Special Case No.28 / 2016, emanating from crime No.02 / 2016 registered at PS ACE Hyderabad for the offences punishable under sections 161, 34 PPC r/w/section 5[2] Prevention of Corruption Act-II of 1947.

2. Learned counsel for the applicant submits that the applicant remained absent from the trial Court on account of ailment of his mother who subsequently expired. He draws attention towards the medical record annexed with the instant application. He submits that non-appearance of the applicant is beyond his control. He also points out that the adverse order was passed against him on the very first date of his non-appearance.

He submits that lenient view may be taken and the applicant is ready to appear before the trial Court to face trial.

3. Mr. Nazar Muhammad Memon, learned Additional Prosecutor General, Sindh has waived notice and opposed the instant criminal revision application by submitting that applicant remained absconder for about one year, as such, he is not entitled for any relief.

4. I have heard the learned counsel for the parties and perused the record.

5. The applicant remained Court Staff as well he is well acquainted with the Court procedure, as such, his failure to appear before the trial Court without intimation is certainly not appreciable. However, the order dated 26.10.2017 and onwards in the case indicate that the adverse action was taken against the applicant and his surety but his bail was not cancelled. The applicant was on post arrest bail and his non-appearance apparently issuance of NBW without cancelling bail is also not appreciable. Nevertheless, since the applicant is ready to surrender himself before the trial, therefore, the instant criminal application is allowed and the impugned order dated 26.10.2017 coupled with subsequent orders in this respect is set aside. The applicant is at liberty to furnish a fresh surety, which may also be enhanced by the trial Court, if desires so. Listed application also stand disposed of.

JUDGE