

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Rev. Application No. 33 of 2016.

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Date Order with signature of Judge

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1. For orders on M.A. No.2291 of 2016.
2. For hearing of main case.
3. For orders on M.A. No.2292 of 2016.

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11.03.2016

Mr. Sameer Ghazanfar, Advocate for Appellants.

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Through instant Crl. Rev. Application the Applicant has challenged the order dated 24.2.2016 which is as under :

*“Since accused has gone abroad without permission of the court. Call explanation and deposit the passport on next date of hearing. Hence absence of accused is excused for today with warning to be careful in future.”*

2. It is further contended by learned counsel that the Applicant was granted ad- interim bail vide order dated 16.12.2015 by the learned trial court; interim challan has been submitted by the custom authorities and at this juncture, learned counsel places certified copy, which is taken on record; the matter is yet under probe hence, impugned order is beyond jurisdiction of Special Judge Custom. He further contends that such direction cannot be issued by the Custom Judge.

3. Heard and perused the record.

4. Perusal of interim challan shows that:-

*“It is established that absconding accused Muhammad Waheed, Zeeshan Yousaf, Muhammad Haris Siddiqui and accused Rahim Sultan Mirani have made their all possible efforts to defraud the national exchequer and to deprive it from its legitimate revenue to the tune of Rs.107.1 million. All the above named accused have played their assigned role for the accomplishment of their nefarious designs, therefore, they have thus committed an offence which attracts the provisions of Section 2(s), 32, 32(A), 121 and 178 *ibid*; punitive action for which is detailed at clauses (8), 14, 14(A) and 63 of Section 156(1) *ibid* read with Section 3(1) of the Import & Export (Control) Act, 1950 and Prevention of smuggling Act, 1977, further read with Section 3, 6, 11, 33 and 34 of Sale Tax Act, 1990 and Sub-Section (1) of Section 148 of the Income Tax Ordinance, 2001.*

*The investigation of the case is of multifaceted nature and pertains to countrywide and International facts which requires further intensive efforts to bring it to logical conclusion in the meantime. Interim Challan is submitted accordingly.”*

5. Since it is matter of record that during investigation the Applicant left the country without permission of the court, hence, direction of the learned trial court with regard to deposit of passport is apparently not justified; Applicant was required to seek permission before leaving abroad when admittedly he was on bail. It is settled principle of criminal administration of justice that every criminal court can procure the attendance of accused person in any manner besides Applicant is on interim bail the matter is under investigation, hence, no illegality is found in impugned order, however, as and when the Applicant intends to travel abroad he would be competent to move application before the trial court and trial court shall consider the same and pass appropriate order in accordance with law. Accordingly instant CrI. Rev. Application being devoid of merits is dismissed.

SAJID

JUDGE