

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Revision No. S – 113 of 2019

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|------|---------------------------------------|
| Date | Order with Signature of Hon'ble Judge |
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For non-prosecution

Office objection not complied-with

14.02.2020

Mr. Mushtaque Ahmed Shahani Advocate a/w Applicant/surety
Mr. Khalil Ahmed Maitlo, DPG for the State

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Amjad Ali Sahito, J; By way of instant Criminal Revision Application, the applicant/surety has impugned the order dated 08.10.2019 passed by learned Sessions Judge Sukkur in Sessions Case No.396/2019 re- The State vs. Saeed Ahmed and others, whereby he has impugned the penalty of Rs.40000/- upon the applicant/surety by forfeiting his surety bond.

2. Learned counsel for the applicant/surety mainly contended that the applicant had stood surety for the accused on the humanitarian ground being his cousin, but he has no knowledge that the accused for whom he had stood surety would abscond away. He further contended that the applicant/surety has thrown himself at the mercy of this Court by submitting that the penalty imposed upon him may be reduced from Rs.40000/- to 25000/-. In support of his contentions, he has relied upon the cases of ***Dilbar and another vs. The State (PLD 1963 Supreme Court 47)***, ***Zafar Ali and another vs. The State (1996 SCMR 995)***, ***Allah Ditta vs. The State (2004 SCMR 1541)*** and ***Amanullah vs. 1st Additional District and Sessions Judge and another (2018 P Cr.L J 820)***.

3. Learned DPG appearing for the State supported the impugned order by contending that the learned trial Court has already taken lenient view in the matter.

4. I have heard the learned counsel for the applicant/ surety as well as learned DPG for the State and perused the impugned order. From the perusal of the impugned order, it appears that accused Saeed Ahmed who was booked in Crime No.43 of 2019 for offences u/s 353, 324 PPC registered at Police Station 'A' Section Sukkur, was granted bail by the learned trial Court in the sum of Rs.50000/-, whereas, the applicant voluntarily appeared before the trial Court and stood surety being his cousin, but has no knowledge that the accused would abscond away. The concept of surety is that he has to produce the accused on each and every date of hearing, but he has failed to discharge his liability, resultantly notice u/s 514 Cr.P.C was issued to him. The learned trial Court while passing the impugned order has already taken lenient view in the matter by imposing penalty of Rs.40000/- instead of full amount of Rs.50000/-. Since the applicant/surety has thrown himself at the mercy of this Court, therefore, while relying upon the case laws relied upon by learned counsel for the applicant (supra) the penalty of surety amount imposed upon the applicant/surety is reduced to Rs.25000/- with direction to deposit the same within one month before the trial Court. The criminal revision application stands disposed of in the above terms.

Judge

ARBROHI