

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Revision Application No. S-04 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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1. *For office objection at flag 'A'*
2. *For hearing of main case*

26.02.2024

Mr. Saeed Jamal Lund, Advocate for applicant
Mr. Zulfiqar Ali Jatoi, Addl. P.G.

1. The applicant has come up before this Court challenging the order dated 06.01.2024, passed by the learned 1st Additional Sessions Judge (MCTC) Khairpur in Sessions case No. 252-A/2016 (Re-State vs. Khadim Rasool Tumrani and others) wherein the learned trial court has taken into custody the applicant and orders to furnish fresh surety on forfeiture of earlier one.
2. The learned counsel for applicant/accused argued that applicant has no other source to submit fresh surety and surety already submitted by him before the learned trial Court be accepted and accused be released from jail.
3. The learned Addl. P.G. opposed for grant of instant application and argued that no illegality or irregularity has been committed by the trial Court, therefore instant Crl. Revision Application is liable to be dismissed.
4. Heard learned counsel for the parties and have gone through the entire material available on record.
5. Admittedly, surety has been furnished by the applicant before the learned trial Court but due to his absence from the Court on 12.12.2023, the learned trial Court has forfeited his bond and issued NBWs against him and when on 06.01.2024, applicant put his appearance before the learned trial Court he was taken into custody and remanded to prison for want of fresh surety. Since the surety has already been forfeited by learned trial Court vide order dated 12.12.2023 and NBWs against applicant and notice to his surety were issued and same order has not been assailed by the applicant which attained its finality. The order passed by the learned trial Court dated 06.01.2023, is speaking one and no illegality or any infirmity has been committed. Under such circumstances, the instant Crl. Revision Application stands dismissed.

JUDGE