

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Revision Application No. S- 17 of 2020

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For hearing of main case.

23.11.2020.

Mr. Ghulam Yaseen Junejo, advocate for the applicant.

Mr. Ali Anwar Kandhro, Addl. P.G.

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Bail was granted to accused Ghulam Qadir by this Court in 1st Cr. Bail Appln. No.S-126 of 2019 vide order dated 20.12.2019. Applicant Riaz Ali Jatoi stood surety for accused Ghulam Qadir in the sum of Rs.3 Lacs. Surety was furnished by the applicant before trial Court. Accused Ghulam Qadir was released on bail however, he jumped bail and thereafter never appeared before the trial Court and became fugitive from the law. On failure of the applicant to secure the availability of said accused, the surety was proceeded under the provisions of Section 514 Cr.P.C and his surety bond was forfeited in full (Rs.3 Lacs). Learned IVth Additional Sessions Judge, Dadu vide his order dated 19.02.2020 passed the following orders:

"Since the surety was bound to produce the accused on each and every date of hearing before the Court, but surety failed to produce the accused though sufficient time has been provided to him to appear himself and to produce the accused, but neither he appeared himself nor produced accused. It is view of superior Courts that no lenient view should be taken in the matters of the surety and entire amount should be recovered as an amount of penalty, failure thereof or reduction of amount of penalty is simply to encourage the people to go into abscondence, reliance can be placed upon case law reported in 2010 YLR 2930, therefore, I am of the considered view that surety has violated the terms and conditions of the bond executed by him at the time when he stood surety to the accused Ghulam Qadir, therefore, the surety Riaz Ali son of Mehar Ali Jatoi, is penalized to pay the surety amount of Rs.300,000/= (three lacs) for accused Ghulam Qadir, to full extent and same should be deposited with the Accountant District Court Dadu, within one month, in case of default it is ordered that writ of attachment of moveable property of surety be issued."



Impugned order has been called in question in this criminal revision application.

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Learned counsel for the applicant after arguing the revision application at some length does not press it and states that applicant is prepared to pay the surety amount in easy monthly installments as his financial position is not sound.

Learned Addl. P.G recorded no objection.

In view of above, this criminal revision application, keeping in view the principles laid down in the case of Zeeshan Kazmi v. The State (PLD 1997 S.C 267), is dismissed as not pressed. However, applicant is directed to deposit Rs.10,000/= (ten thousands) per month before the trial Court, till forfeited bond amount is recovered in full. In case, applicant failed to deposit monthly installment, the trial Court would be at liberty to recover the same from surety in accordance with law.

In view of above, this criminal revision application is accordingly disposed of.



JUDGE 23.11.2020