

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Revision Application No.D-29 of 2020
Cr. Revision Application No.D-30 of 2020
Cr. Revision Application No.D-31 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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29.12.2020.

Mr. Dilbar Khan Leghari, Advocate for applicant.

Mr. Shahzado Saleem Nahiyoon, Deputy Prosecutor General, Sindh.

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By means of impugned order dated 25.11.2020, learned Anti-Terrorism Court, Shaheed Benazirabad, has forfeited surety bonds of vehicles, alleged to be the case property in Special Case No.02 of 2016, on account of their non-production in the Court on certain dates and has asked for their auction to recover the surety amount.

A perusal of the said order shows that neither an opportunity of hearing was afforded to relevant parties nor any notice in terms of Section 514 Cr.P.C was issued to the parties before inflicting the impugned penalty on them.

In the circumstances, learned Deputy Prosecutor General has rightly not supported the impugned order and has suggested that after setting aside the same, the case may be remanded back to the trial Court to start the proceedings afresh by following a proper procedure supported by law and issue a show cause notice before passing any of the order.

We agree with this suggestion and after setting aside the impugned order and consequent developments, if any, remand the case to the trial Court for the purpose as stated above. The trial Court shall issue a proper notice to the relevant parties and before passing any order in respect of the vehicles, alleged to be case property, a proper opportunity of hearing shall be afforded to the parties.

With the above observation, these revision applications stand disposed of accordingly.

JUDGE

JUDGE