

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. B.A. No.455 of 2017

Date	Order .with signature of Judge
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For hearing of Main Case

01.08.2017

Mr. Fateh Muhammad Jatoi, Advocate for the applicant
 Mr. Muhammad Arshad Tariq, Advocate for complainant
 Ms. Rahat Ahsan, Addl: P.G.

Applicant is accused in crime No.36/2014, registered on **15.01.2016** Police Station Korangi Industrial Area ('**KIA**'), Karachi U/s 302, 34 PPC.

Learned Counsel for the parties after arguing the case at some length have agreed that this bail application may be dismissed as not pressed with direction to the trial Court to expedite trial and record evidence of the main witnesses within a period of two months, whereafter the applicant may move a fresh bail application in the light of material coming on record in the evidence. It has also been informed that this case is pending in the Court of learned 4th Additional District & Sessions Judge, East, Karachi, which is currently lying vacant. And in this backdrop learned Counsel for the parties including learned Addl: P.G. have submitted that this case may be withdrawn from the file of the said Court and transferred to the Court of District & Sessions Judge, East, Karachi to either conduct the trial himself or assign it to any other learned Additional Sessions Judge for trial. Consequently, this bail application is dismissed as not pressed with direction to the trial Court to expedite the trial and record the evidence of the main witnesses within two months, whereafter the applicant would be at liberty to move a fresh bail application, which if filed, shall be decided on its own merits.

As the 4th Additional Sessions Court, where case bearing Sessions Case NO.413 of 2016 is pending is lying vacant, the same is ordered to be withdrawn from file of said Court and transferred to the learned District & Sessions Judge, East, Karachi, with direction to either conduct the trial himself or assign it to any other Additional Sessions Judge for trial, which shall record evidence of the main witnesses within a period of two months and submit such compliance report through MIT-II of this Court. From the report of learned Sessions Judge dated **18.07.2017** called in the present bail application, it is reflected that on some dates the witnesses were present but the case was adjourned for want of case property. In the circumstances, the trial Court is directed to take coercive methods as provided in law to ensure availability of case property at the time of evidence.

Bail application stands disposed of in the above terms.

Judge

Rafiq/P.A.