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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Revn. Appln. No.S-28 of 2018

Date of Hearing 18.9.2018. ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objections.
2. For hearing of case.

Mr. Ahmed Bux Abro, advocate for applicant/surety.

Mr. Sharafuddin Kanhar, APG.

Through instant criminal revision application, the applicant/surety has impugned the order dated 02.3.2018 passed by the learned 1st Additional Sessions Judge, Kamber in Sessions Case No.462/2012, whereby his surety bond was forfeited and he was directed to pay full surety amount viz. Rs.50,000/- each, total Rs.100,000/-.

It appears that the applicant stood surety for two accused, namely, Zahid and Mansoor, both by caste Buledi, in Sessions Case No.462/2012, arisen out of Crime No.291/2012, registered at Police Station Kamber, for offence under Sections 324, 353, 34, PPC by furnishing surety in the sum of Rs.50,000/- each. It further appears that earlier accused Zahid remained absent from the trial Court, hence NBWs were issued against him and so also notice to the present applicant/surety. Later, on 03.10.2017, the applicant produced accused Zahid before the trial Court, who was subsequently remanded to jail and thereafter on 08.6.2017 accused Mansoor was called absent without intimation, hence NBWs were ordered to be issued against him so also notice to the applicant/surety and thereafter the applicant/surety availed number of opportunities for the production of said accused, but he failed to do so and consequently his surety was forfeited by the trial Court vide impugned order; however, it appears that instead of directing the



applicant/surety to pay Rs.50,000/- being forfeited surety amount for
accused Mansoor, the entire surety amount i.e. Rs.100,000/- has been
ordered by the learned trial Court to be deposited, which order appears
to be illegal, as accused Zahid had already been produced by the
applicant/surety before the trial Court.

Accordingly, with the consent of learned APG, the
impugned order directing the applicant/surety to deposit Rs.100,000/-
being total surety amount of both the accused is modified to the extent
of forfeiture of surety bond executed by the applicant/surety in favour of
absconding accused Mansoor amounting to Rs.50,000/-.

At this juncture, learned Counsel for the applicant requests
that the applicant may be allowed to deposit the amount of Rs.50,000/-
before the trial Court in two equal instalments within reasonable time, as
the applicant/surety being a poor person cannot arrange the same
promptly. Request is allowed. The applicant/surety is directed to deposit
the forfeited surety amount of Rs.50,000/- in two equal instalments of
Rs.25000/- each. The first instalment shall be deposited by him by the
10th of October, 2018 and the second one on or before 10th of
November, 2018.

This criminal revision application stands disposed of in
above terms.


JUDGE