

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Revn. Appln. No.S-01 of 2019

Appellant : Mumtaz Ali Umrani,
through Mr. Habibullah G. Ghouri, Advocate.

Respondent : The State, through Mr. Aitbar Ali Bullo. DPG.

Date of hearing : 29.03.2021.

ORDER.

Mumtaz Ali has impugned an order dated 21-12-2018 passed by the learned Sessions Judge, Kamber-Shahdada Kot at Kamber. In terms of the said order the learned judge imposed a penalty of Rs.200,000/- on Mumtaz Ali.

2. A brief background of the case is that Mumtaz Ali stood surety for Deedar Ali, who was an accused in a case arising out of F.I.R. No.267 of 2007 registered under sections 302, 337-H(ii), 148, 149 and 120-B, P.P.C. at the Kamber Police Station. Deedar Ali was admitted to post arrest bail on 5-12-2008 subject to furnishing a solvent surety in the sum of Rs.200,000/-. Deedar Ali remained absent from 19-6-2010 onwards and on 8-11-2013 it was revealed that Deedar had been in judicial custody in another case.

3. I have heard the learned counsel for the surety as well as the learned DPG.

4. It appears from the record that for a period of 3 years Deedar Ali, for whom the applicant stood surety, remained absent from trial and no reason was given by the applicant for his absence. Learned counsel has pleaded that in this period of 3 years the applicant made genuine efforts to locate and produce Deedar Ali before the learned trial court but all his efforts were in vain. He also pleads that the applicant did inform the learned trial court regarding his efforts in this regard. It appears from the record however that no written application was submitted to the learned trial court in this regard. The fact that the applicant did not even render a

reply to the show-cause notice issued to him by the learned trial court does not reflect well on his bonafide.

5. In view of the above, I find no ground to set aside the impugned order of the learned trial court; however, keeping the financial situation of the applicant in mind and the fact that, as pleaded by the learned counsel, he is the only bread winner of the family, the penalty amount is reduced to Rs.150,000/- from Rs.200,000/-.


29/3/24
JUDGE