

ORDER-SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Revision Appln. No. S- 24 of 2015.

Date of hearing	Order with signature of Judge
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05.05.2015.

For Katcha Peshi.

Mr. Ghulam Rasool Abro, Advocate for applicant.

Mr. Khadim Hussain Khooharo, D.P.G.

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The applicant has furnished surety in the sum of Rs.200,000/-, for accused Fahmeed Ali earlier when was behind the bar in crime No.32/2012, P.S Naudero Re; St. v. Fahmeed Ali; the surety was submitted before the trial Court on 4<sup>th</sup> November, 2014. However, during trial serious life threats were extended to the accused therefore he could not regularly attend the trial Court and he was compelled to file application before this Court for transfer of the Sessions case No.32/2012 from the Court of Additional Sessions Judge, Ratodero to Larkana through Crl. Transfer Application No. S- 01/2014. He had also moved similar application from jail bearing Criminal Transfer Application No. S- 02/2014. On 18.8.2014, this Court in the said transfer application has exempted accused Fahmeed Ali from appearing before the trial Court. The perusal of the impugned order whereby the trial Court has imposed full penalty of Rs.200,000/- on the applicant/ surety, shows that at-least on nine occasions the accused did not

appear before the trial Court are of the dates subsequent to the aforesaid order of the High Court whereby the accused's appearance before the trial Court was exempted. The learned trial Court has not considered this aspect of the matter, and the accused is still ready to face the trial; wants its transfer from Ratodero to Larkana and his transfer applications are still pending. He has been attending the High Court on every date of hearing of transfer applications, even today his transfer application was fixed before this Court and he did appear. The surety is present and he is ready to continue his surety bond even after transfer of the case, therefore, the order of imposing penalty appears to be pre-mature as the accused has not absconded and he is still ready to face the trial and the surety is still ready to stand surety to ensure appearance of accused before the trial Court, therefore, the impugned order is set-aside. However, the applicant/ surety should file fresh P.R bond and will not claim refund of surety deposited before trial Court after setting aside of the order impugned herein.

This application is disposed of in the above terms.

Judge