

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4571of 2025
[Ali Raza v. Federation of Pakistan and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before:
Mr. Justice Yousuf Ali Sayeed;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on Misc. No.19216/25.
- 2. For orders on office objections No.1 to 9.
- 3. For orders on Misc. No.19217/25.
- 4. For hearing of main case.

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Date of hearing:- 24.09.2025

Mr. Blosch Ahmed Junejo, Advocate for the petitioner.

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Abdul Hamid Bhurgri, J.- The Petitioner is the complainant in FIR No. 64/2024, forming part of Criminal Case No. 439/2025, currently pending before the 22nd Judicial Magistrate, East, Karachi. The FIR was lodged at Police Station Soldier Bazaar under Section 489-F of the Pakistan Penal Code, 1860, naming Respondent No.9 as the accused. Respondent Nos.1 to 8 are public officials serving in various civil and administrative departments. The Petitioner and Respondent No.9 were engaged in business dealings for the past four to five years. On 11.12.2023, Respondent No.9 issued Cheque No. 14854149, amounting to Rs.286,819,200/-, drawn on Al-Baraka Bank (Pakistan) Limited in favour of the Petitioner. The cheque was dishonoured the following day due to insufficient funds. Despite repeated demands, Respondent No.9 neither honoured the cheque nor offered any repayment assurance. Subsequently, Charge Sheet No. 75/2024 was submitted on 05.03.2024, confirming the offence under Section 489-F PPC. Multiple non-bailable warrants were issued - including on 30.07.2024, 02.08.2024, 11.09.2024, 18.09.2024, and 08.01.2025- but Respondent No.9 failed to appear, remaining absconding. Although his CNIC and SIMs were blocked on the Petitioner's request, it was later discovered that Respondent No.9 had fled to the UAE. The case proceedings reflect consistent delays caused by the non-appearance of accused, resulting in judicial time being squandered while the Petitioner continues to endure significant financial hardship. Witness statements recorded under Section 161 Cr.P.C., including that of the Petitioner, support the charges under

Sections 489-F and 420 PPC. On 20.11.2024, the Petitioner moved an application before the trial court requesting the issuance of Red Notices through Interpol and the placement of Respondent No.9's name on the Exit Control List (ECL). Citing precedents in similar cases and the fact that the alleged offence carries a sentence exceeding seven years, the Petitioner seeks necessary directions to prevent the accused from evading justice.

2. Learned counsel for the Petitioner submits that although the FIR was registered on 15.02.2024 and the case has remained pending before the learned Magistrate since its institution, Respondent No.9 has yet to be arrested. Despite multiple non-bailable warrants issued by the Magistrate on different dates, and the blocking of his CNIC and SIMs by NADRA, no effective action has been taken, primarily because the accused has absconded to the UAE. He further submits that the Petitioner filed an application before the trial court on 20.11.2024 seeking the arrest of Respondent No.9 through Interpol, but no action has yet been taken on the said application. In conclusion, learned counsel prays that the present petition be allowed in the terms prayed for.

3. We have heard learned counsel for the parties and have carefully examined the record with due diligence.

4. At the very outset, the Court inquired from the Counsel for the petitioner whether the petitioner has filed a suit for recovery of the amount. To the Court's surprise, the reply was in the negative. Be that as it may, it is the prerogative of the trial Court to regulate the process of arrest in accordance with the applicable law. From the record, it appears that the trial Court has already issued multiple non-bailable warrants for the arrest of the accused. Therefore, without commenting on the merits or demerits of the case or maintainability of the application, we direct the learned Judicial Magistrate-XXVIII, Karachi East to decide the Petitioner's aforementioned application strictly in accordance with law.

5. The petition stands disposed of in the above terms along with listed applications.

JUDGE

JUDGE