

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Revision No.S- 71 of 2025

Hearing of case (Priority)

1. For orders on office objection at flag 'A'
2. For hearing of MA No.3356/2025 (S/A)
3. For hearing of main case

29.07.2025

Mr. Alam Sher Khan Bozdar, Advocate for the Applicant
Syed Naveed Ahmed Shah, Deputy Attorney General
Mr. Muhammad Raza Katohar, Deputy PG for State

ORDER

Jawad Akbar Sarwana, J.- This Criminal Revision Application is filed by applicant, Mst. Marvi Khatoon Pitafi, on behalf of her husband, Abdul Majeed Pitafi, who has been declared as an absconder/proclaimed offender in Sessions Case No.413 of 2021, titled *The State vs. Abdul Majeed and others*, arising out of FIR No. 104 of 2018 registered under Sections 302, 148, and 149 PPC at Police Station Khanpur Mahar, District Ghotki. The said case is presently pending trial before the Court of the learned Additional Sessions Judge-I, Ghotki.

2. The applicant had moved an application before the trial court seeking recall of the non-bailable warrants of arrest issued against her husband, enabling him to return from the Kingdom of Saudi Arabia to Pakistan and face trial in the aforementioned case. However, the trial Court dismissed the said application vide impugned order dated 20.06.2025, on the ground that the court lacked the requisite jurisdiction to grant the relief and the applicant should approach the High Court. Hence, this criminal revision.

3. Learned counsel for the applicant submitted that the passport of the absconder/proclaimed offender, namely Abdul Majeed Pitafi, expired on 21.07.2024, and his CNIC has been blocked since 03.12.2021. Thus, at present, he is unable to renew his passport and travel.

4. Learned DAG as well as the learned Deputy Prosecutor General for the State have vehemently opposed this Criminal

Revision Application, contending that the applicant has not approached the appropriate forum for seeking renewal of passport and the unblocking of the CNIC of her husband, who has been declared an absconder/proclaimed offender cannot be granted. They plead dismissal of the instant criminal revision.

5. Heard learned counsel for the applicant as well as learned DAG and Deputy PG for the State, and perused the material available on record.

6. Admittedly, the instant Criminal Revision Application has been filed under Sections 435 and 439 Cr.P.C., and the scope and contours of the two sections are limited. Under Section 435 Cr.P.C., the High Court may call for and examine the record of any proceeding before any inferior Criminal Court or deal with matters as to the correctness, legality or propriety of any finding, etc. Under Section 439 CrPC, the High Court's power of revision is limited to the exercise of its powers as prescribed in the section itself. The High Court will mainly not be inclined to travel beyond the parameters specified in the two sections. Even if this Court were to invoke its inherent jurisdiction under Section 561-A Cr.P.C., the relief sought by the Applicant, in the present facts and circumstances of the case, is against the State and cannot be granted outside the contours of Section 561-A.

7. In the circumstances, we do not find any material irregularity or any other defect in the impugned Order. Given the limited criminal jurisdiction and relief claimed, the trial Court rightly dismissed the application. Yet the applicant preferred to continue to seek relief by way of this criminal revision, and for the reasons discussed above, this bench is constrained to grant relief at this forum, too. Even otherwise, as a Regular Bench of the High Court, no relief could be granted to the applicant. Accordingly, the instant Criminal Revision Application is dismissed. The applicant may avail the remedy as indicated before the proper forum, as this Court finds no justification to interfere in the impugned Order.

Judge