

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Misc. Appln. No. S – 626 of 2019**

Date	Order with Signature of Hon'ble Judge
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**For hearing of**

1. For orders on MA No.4581/2019 (Ex.A)
2. For hearing of main case  
(Learned counsel do not comply the office objection)

**27.09.2019**

Mr. Rehmatullah Mangnejo Advocate a/w applicant  
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1. Exemption is granted subject to all just exceptions.
2. In compliance to the office objection, learned counsel for the applicant filed case diaries, which are taken on record. Through this application, the applicant seeks suspension of the Non-Bailable Warrant issued against him by learned trial Court i.e. Court of learned 1<sup>st</sup> Additional Sessions Judge Sukkur in S.C No.728/2013 “*re- State Vs. Moure and others*” arising out of FIR/Crime No.217/2013 of Police Station Patni for offence u/s 320 PPC.

It is contended by learned counsel that after the grant of bail the applicant/accused has regularly attended the trial Court upto 13.11.2018, whereas, on 13.11.2018 learned counsel for the applicant informed the applicant that his case has been kept in abeyance due to non-attendance of the Prosecution witnesses, therefore, he could not appear before the trial Court, hence the Non-Bailable Warrants have been issued against him. He lastly contended that the applicant does not want to remain fugitive from law and wants to face the trial, whereas, due to issuance of Non-Bailable Warrants he cannot appear before the trial Court, therefore, prays for recalling the impugned order dated 18.12.2018 for issuance of Non-Bailable warrants by the trial Court.

Mr. Khalil Ahmed Maitlo, learned DPG for the State present in Court waives notice of instant Criminal Miscellaneous Application and raised no

objection by contending that since the ground of inadvertence absence is taken by the applicant and he wants to face the trial, therefore, he may be given a chance.

I have heard the learned counsel for the applicant and learned DPG for the State and perused the record. The perusal of record reveals that the applicant/accused after the grant of bail has regularly attended the trial Court upto 13.11.2018, whereas, due to information given to him by his counsel that his case has been kept in abeyance due to non-attendance of the prosecution witnesses, therefore, he did not appear before the trial Court. The applicant is ready to face the trial and does not want to become fugitive from the Law. In such circumstances, the applicant cannot be thrown into miseries and he may be given a chance to face the trial. Accordingly, instant Criminal Miscellaneous Application is allowed and the impugned order dated 18.12.2018 passed by learned trial Court is set-aside and the applicant is directed to remain on same surety before the trial Court, as already furnished. The applicant is directed to appear before the trial Court.

Judge

ARBROHI