

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Constitution Petition No.D-42 of 2024

Date	Order with signature(s) of Judge(s)
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Before;

Mr. Justice Riazat Ali Sahar;
Mr. Justice Ali Haider 'Ada'.

Petitioner : Sartaj Ahmed son of Muhammad Liaque Chandio, through Mr. Sajid Hussain Mahessar, Advocate.

Respondents : Province of Sindh and others, through Mr. Mohsin Ali Khan, Assistant Advocate General and Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Date of Hearing : 03.06.2026.

Date of Order : 03.06.2026.

ORDER

Ali Haider 'Ada', J.- Through the instant constitutional petition, the petitioner, being the complainant of FIR No.18 of 2023 registered at Police Station Mahotta, Larkana, has sought directions against the official respondents on the grievance that the nominated accused persons have not yet been arrested despite registration of the FIR.

2. Learned counsel for the petitioner contended that the police officials and other public functionaries have failed to discharge their statutory obligations by not taking effective measures for the arrest of the accused persons. He argued that owing to such inaction on the part of the official respondents, the petitioner has been left with no efficacious remedy except to invoke the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Conversely, learned Law officers raised a preliminary objection regarding the maintainability of the petition and submitted that the matter relating to the arrest of accused persons, particularly those avoiding the process of law, falls within the domain of the competent criminal court.

4. Heard learned counsel for the parties and perused the available record.

5. The grievance of the petitioner pertains solely to the non-arrest of the nominated accused persons. It is an admitted position that the criminal case is already pending before the competent court of law. The Code of Criminal Procedure, 1898, provides a comprehensive mechanism for compelling the appearance of absconding accused persons. Sections 87 and 88 Cr.P.C. empower the trial Court to issue proclamation and attachment proceedings against a person who is evading arrest or concealing himself to avoid execution of warrants. Likewise, the Police Rules, 1934, prescribe the procedure and duties of the police authorities regarding tracing and apprehending proclaimed offenders and absconders.

6. Apart from the statutory provisions, the **Federal Capital and Sindh Courts Criminal Circulars**, particularly Chapter VI, Part-A, also provide a complete framework and guidelines for monitoring criminal cases and ensuring that effective steps are taken for securing the attendance and arrest of absconding accused persons. Thus, the law has vested ample powers in the trial Court to supervise and ensure compliance of the legal process in such matters.

7. It is a settled principle of law that where a specific and efficacious remedy is available under the statute, constitutional jurisdiction is ordinarily not invoked. The extraordinary jurisdiction under Article 199 of the Constitution is not intended to bypass the remedies expressly

provided by law, particularly when the grievance can adequately be addressed by the competent forum.

8. In the present case, the petitioner has an effective and adequate remedy before the trial Court, which is fully empowered to pass appropriate orders for securing the arrest and attendance of the accused persons in accordance with law. No exceptional circumstance has been shown warranting interference by this Court in its constitutional jurisdiction.

9. For the foregoing reasons, this petition is not maintainable. The petitioner is at liberty to approach the learned trial Court for redressal of his grievance and seek appropriate relief in accordance with law. Accordingly, the instant petition is dismissed as being not maintainable.

JUDGE

JUDGE