

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Rev. A. No.D -12 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

15.10.2019.

Mr. Mian Taj Muhammad Keerio, Advocate for
applicant.

Mr. Nazar Muhammad Memon, A.P.G for the State.

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The facts in brief necessary for disposal of instant Revision Application are that the applicant is facing trial before learned IInd Additional Sessions Judge / CNS Judge, Hyderabad. On 30.04.2019 he could not attend learned trial Court on account of death of his father. Consequently, his bail bond was forfeited and notice against surety was issued together with NBW for arrest of the applicant. On 06.05.2019 the applicant appeared before learned trial Court voluntarily and made an application U/s 75(2) Cr.P.C for recalling of order dated 30.04.2019 whereby his bail bond was forfeited with issuance of NBW issued against him and notice against his surety. The said application was dismissed by learned trial

Court vide order dated 07.05.2019, which is impugned by the applicant before this Court by way of instant Revision Application.

At the very outset, it is stated by learned counsel for the applicant that he would not press the disposal of instant Revision Application on merit, if impugned order is set-aside with direction to learned trial Court to pass the same after providing chance of hearing to the applicant and learned State counsel.

Learned A.P.G for the State was fair enough to state that no chance of hearing was provided to the State by learned trial Court while passing the impugned order. By stating so, he consented for remand of the matter to learned trial Court for fresh decision in accordance with law.

We have considered the above arguments and perused the record.

Apparently, the applicant has been attending learned trial Court and his absence on 30.04.2019 as per him on account of death of his father. If, it was so, then it was beyond control of the applicant. In that situation, it was expected of learned trial Court to have taken a very lenient view. Be that

as it may, the State was not heard before passing of the impugned order which is against the mandate contained by Article-10(A) of the Constitution of Islamic Republic of Pakistan,1973, which guarantees right of fair trial.

In view of above, the impugned order is set-aside with a direction to learned trial Court to pass the same afresh after providing fair chance of hearing to the applicant and State.

Instant Revision Application is disposed of in above terms.

JUDGE.

JUDGE