ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Misc. Application No. 389 of 2018.

Date Order with signature of Judge

1. For orders in view of Court's order dated 14.12.2019.

2. For orders on M.A. No. 126 of 2019.

3. For orders on M.A. No. 127 of 2019.

<u>17.01.2019</u>

Mr. Muhammad Haroon Shaikh, advocate for applicant. Mr. Abrar Ali Khichi, Addl. P.G. Sindh.

By order dated 14.12.2018 instant Misc. Application was disposed of wherein it was contended that complainant party is not competent to approach for recording statement under Section 164 Cr.P.C privately in a prosecution case and with regard to protection to witness I.G.P. Sindh was directed to provide protection to the witness until his statement is recorded and report was called.

Learned Addl. P.G. Sindh has pointed out that witness is accused in murder case as absconder. Niaz Ahmed Khoso, who is also accused and present in person contends that by order of this Court counsel for the witness has moved application for recording of statement under Section 164 Cr.P.C of witness who is absconder and treating this order as blanket order and police is not arresting the witness. Needless to mention that directions with regard to protection to the witness were given until recording of evidence, which cannot be termed as a license to commit a crime or to remain absconder and police is not competent to arrest him and that order was only to the extent that no harm shall be caused unless evidence is recorded. Accordingly, police officials would be competent to arrest the witness if he is an absconder and produce him before the competent court of law. In view of that listed applications are disposed of. Office shall communicate this order to I.G.P. Sindh, Home Secretary, Government of Sindh, District & Sessions Judge, Karachi South, SSPs Sukkur and Gotki for compliance. At this juncture, learned counsel for witness seeks that he may be granted bail. Since he is not present in Court, therefore, such relief cannot be granted under the provisions of Section 498, Cr.P.C. Accordingly, applicant shall surrender before the trial Court.

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