

Order Sheet

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P. No. D - 1330 of 2020**

Date of hearing	Order with signature of Judge
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**Application in disposed of case**

1. For hearing of CMA No.390/2023 (151 CPC)
2. For orders on CMA No.5828/2022 (R/Surety)

**02.02.2023**

Mr. Deedar Ali M. Chohan, Advocate for petitioner and applicant.  
Mr. Bahawal-ud-Din Shaikh, Special Prosecutor NAB.

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Through these applications, the petitioner, namely, Rahim Bux S/o Sahib Dino Larik and applicant, namely, Saeed Ahmed S/o Muhammad Bux Soomro seek return liability amount deposited through pay order before the learned trial Court and the surety documents/original special savings certificates furnished before the Additional Registrar of this Court, respectively.

It appears from the record that the above-named petitioner was granted interim pre-arrest bail from this Court vide order dated 24.11.2020, whereas, the above-named applicant had stood surety on behalf of the petitioner by submitting two original Special Savings Certificates bearing No.HE-845136 and HE-845137, amounting to Rs.50,000/- each, vide Registration No.56430 dated 24.11.2020 issued by NSC-I, Sukkur. Ultimately, interim pre-arrest bail already granted to the petitioner was confirmed by this Court vide order dated 16.03.2021 subject to depositing entire amount of his liability through pay order and P.R. bond in the like amount to the satisfaction of learned trial Court. Subsequently, the petitioner deposited the entire amount of his liability i.e. Rs.98,000/- through Pay Order in Aitemaad Islamic Bank, Military Road, Sukkur vide bank letter dated 01.04.2021, issued by the Branch Manager. Thereafter, learned Judge, Accountability Court-III, Sukkur, on 29.09.2022, has ordered that in view of the new Amendment Act, 2022, the said Court lacks jurisdiction to proceed further with the case; therefore, Reference No.05/2019 and supplementary Reference is returned to

Director General, NAB Sukkur for submitting the case to concerned Authority or Court having jurisdiction. Original Certificate of the Registrar, Accountability Court, Sukkur regarding deposit of liability amount by the petitioner and photocopy of the order dated 29.09.2022, passed by the trial Court have been placed on record.

Learned Special Prosecutor NAB records his no objection for return of the liability amount as well as surety documents.

The Accountant of this Court has also filed report dated 30.11.2022.

In view of above, the listed **applications** are **allowed**. Office of this Court as well as learned trial Court are directed to return the surety documents furnished by the surety and liability amount deposited by the petitioner to the surety and petitioner, respectively, after proper verification and identification, as per rules.

JUDGE

JUDGE

Abdul Basit