

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Revision Appln. No.S-11 of 2020.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For hearing of main case.

19.03.2020

Mr. Faiz Muhammad Larik, advocate for the applicant.

Mr. Ali Anwar Kandhro, Addl. P. G.

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Impugned in this Criminal Revision Application is the order dated 18.06.2019, passed in Sessions Case No.491/2017, arisen out of Crime No.47/2017, registered at Police Station Faridabad for the offences under section 302, 114, 504, 148, 149, 337-H(ii), PPC, whereby the learned Ist. Additional Sessions Judge, Mehar, disposed of the proceedings initiated against the applicant/surety in terms of Section 514, Cr.P.C by imposing fine of Rs.150,000/- being half of the surety amount upon the applicant/surety with direction to pay the same within thirty days hereof.

2. Learned counsel for the applicant states that the applicant/surety being a poor man having no financial capacity to pay the fine amount, hence by taking a leniency said amount may further be reduced to make the applicant surety able to pay the same.

3. On the other hand learned Addl. P. G has opposed this application on the ground that the learned trial Court has already taken leniency by imposing half of the surety amount.

4. Heard the learned counsel for the applicant and learned Addl. P. G and perused the material available on record.

5. It appears that accused Ghazi son of Allah Bux Chabro was booked in aforementioned FIR. He was admitted to bail on furnishing solvent surety in the sum of Rs.300,000/- and P.R bond in

the like amount and for that the applicant stood surety by furnishing surety bond for the release of above named accused before the trial Court on 01.11.2018. During pendency of aforementioned sessions case, the accused jumped out from bail and became absconder hence notice under section 514, Cr.P.C was issued against the surety, who on being served appeared before the trial Court and submitted his reply/explanation without mentioning any cogent reason, hence the same was found unsatisfactory. It further appears that accused Ghazi was subsequently arrested by the police, however, as the applicant/surety has failed to meet with his undertaking as per his bond to produce the accused before the Court on each and every date of hearing, the trial Court while considering subsection 5 of Section 514 Cr.P.C and exercising its discretionary powers instead of imposing fine upon surety to the extent of full amount of surety imposed fine of half of amount which is at Rs.150,000/- upon the applicant/surety. The trial Court has already taken leniency against the applicant. It may be observed that it was because of surety the accused was released, had there been furnishing no such surety, he would have not been released from the custody and thus having no opportunity to jump out from the bail. This Crl. Misc. Application is, therefore, being devoid of any merit is dismissed accordingly.



Judge