

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
2nd Cr. B.A No.D- 28 of 2023

Date _____ Order with signature of Judge _____
1. For orders on office objection-A.
2. For hearing of bail application.

29.11.2023.

Mr. Habibullah G. Ghouri, advocate for the applicants.
Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh

Pursuant to directions contained in previous order learned trial court has submitted progress report in respect of trial of **Special case No.11 of 2009 re: State v. Ali Sher and others on 28.11.2023**, which reads as under:-

"That R&Ps of this case was received to Court for fresh trial on 5.6.2023. record reveals that on some date of hearings the case was adjourned due to non-attendance of witnesses as process was returned unserved, however, on 13.09.2023 some P.Ws were present before Court for evidence, but the junior of Mr. Habibullah Ghouri, advocate filed application for adjournment, therefore, case was adjourned on his request. Then on 28.09.2023 witnesses were also available in court for evidence, but defence counsel was absent and again his junior partner filed application for adjournment which was allowed. It is further submitted that on the date of hearing viz; 01.11.2023 the case could not proceeded as one accused of this case namely Asif moved application for time to engage Advocate, hence, time was allowed and the matter was adjourned to 17.11.2023 for evidence, but again application is moved by same accused and case was adjourned to 28.11.2023 as in absence of defence counsel case could not be proceeded which provide capital punishment.

It is further submitted that today i.e. 28.11.2023 as many as four witnesses are in attendance of Court for evidence, but accused Asif moved application to provide him counsel on the State expenses. Mr. Habibullah Ghouri, Advocate not appeared himself, however, his junior requested for next date of hearing, to be 12.12.2023. Hence, case adjourned accordingly and also Advocate has been appointed today for accused Asif on State expenses".

After arguing the matter at some length, learned counsel for the applicants submits that he would not press this bail application before this Court, if directions may be issued to learned trial court to conclude the trial within shortest possible period. Such proposal has not been opposed by learned DPG. Accordingly, instant bail application is dismissed as not pressed. However, learned trial court is directed to conclude the same within two months' time. Upon receipt of copy of this Order the trial court shall not grant unnecessary adjournment to either side and in case prosecution may fail to procure its evidence causing delay in conclusion of trial, coercive process shall be issued against them through their superior authority.

Let a copy of this order be sent by Fax to learned trial court, today for compliance.


JUDGE

JUDGE