

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. No.233 of 2022

Date	Order with signature of Judge
------	-------------------------------

For hearing of MA 6464/2026.

04.5.2026.

Mr. Muhammad Rafi Kamboh, for applicants.
Ms. Rabia Saqib, APG alongwith Syed Idrees Pasha, North Nazimabad Police Station,
Karachi.

.....

Through listed application applicant-Ahmed Ali Khan son of Zulfiqar Ahmed Khan seeks permission of this Court for suspension of NBWs, if any, issued against both the applicants/accused.

Learned counsel submits that by order dated 25.9.2023, this Court was pleased to dismiss the instant Cr. Misc. Application, however, NBWs earlier issued against the applicants/accused by the trial Court were converted into BWs with direction to the applicants/accused to surrender before the trial Court concerned within four (4) weeks thereof. He further submits that the applicants/accused wanted to join the trial as directed by this Court, however, some of their well-wishers informed them that the police have closed the case. He further submits that non-compliance of order dated 25.9.2023 was neither willful nor deliberate but it was beyond their mental capacity and being layman were not aware of legal complications, as such the trial Court proceeded against them and both of the applicants/accused were declared proclaimed offenders. He lastly submits that the applicants/accused being law abiding citizen are ready and willing to surrender before the trial Court and join the trial provided operation of perpetual warrants, issued against them by the concerned trial Court is suspended. Learned APG extended her no objection if a chance is given to the applicants to appear before the trial Court concerned.

During course of arguments, Member Inspection Team-II of this Court was directed to call for report from the concerned trial Court in respect of Sessions Case No.932/2022 (Re- The State v. Ahmed Ali Khan and others), culminating from FIR

No.449/2021, under Sections 319,320,337A(i), PPC, registered at North Nazimabad Police Station, Karachi, against the applicants/accused. The report, submitted by the trial Court through MIT-II of this Court through facsimile reveals that case against the applicants/accused was kept on dormant file in terms of its order dated 03.7.2024 and perpetual NWBs were also ordered to be issued against them. Since the applicants/accused are ready and willing to surrender before the concerned trial Court and join the trial, therefore, they have no wrong intention to abscond away, hence the submissions made by them in their application, duly supported with their personal affidavit(s) carry weight. Accordingly, MA No.6464/2026 is allowed. The perpetual NWBs issued by the trial Court against the applicants/accused in terms of its order dated 03.7.2024, are hereby set-aside/recalled. However, the applicants/accused shall surrender before the concerned trial Court within a period of fourteen (14) days from today subject to their furnishing solvent surety in the sum of Rs.50,000/- (fifty thousand) each to the satisfaction of trial Court. Upon surrender of the applicants/accused, the trial Court shall proceed with the trial and decide its fate within shortest possible time, preferably within three (3) months from the date of receipt of this order and submit compliance report through MIT-II of this Court. In case applicant/accused do not appear/surrender before the trial Court within the stipulated period the aforesaid order shall be deemed to be recalled automatically.

In the above terms, MA 6464/2026 stands disposed of.

Judge
Head of Const. Benches