

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
Cr.Misc.Appl.No.S- 87 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

1. For orders on MA 614/10.
2. For orders on MA 615/10.
3. For Katcha Peshi.
4. For orders on MA 616/10.

17.5.2010.

Mr. Zahoor Ahmed Baloch, Advocate a/w applicant.
Mr. Shahid Shaikh, A.P.G.
Complainant Muneer Ahmed present in person.

=

It is inter alia contended by learned counsel for the applicant that applicant has falsely been implicated in the instant crime at the behest of police officials whereas no nomination in the F.I.R. was made. It is further contended that other co-accused namely Nazar Ali Leghari has duly been acquitted by the learned trial Court since it was a blind F.I.R. and the eye witnesses also did not identify him. The learned counsel states that there is every likelihood that the applicant/accused may also meet the same treatment. The learned counsel under the circumstances prays that looking at the peculiar facts and circumstances of the case and the acquittal of co-accused namely Nazar Ali Leghari, the NBWs issued by the learned trial Court in respect of present applicant/accused Madad Ali Leghari may be suspended for the time being. To this proposition, the learned A.P.G has no objection.

The complainant Muneer Ahmed present in Court states that matter has been compromised with co-accused Nazar Ali Leghari and he also does not identify the present applicant/accused present in Court.

Be that as it may, since all these aspects of the case are required to be taken cognizance by the trial Court, such contentions will have no bearing on the merits of the case. It appears that prima facie, the applicant/accused is a fugitive from law and no indulgence to the extent of seeking quashment of the proceedings pending before the trial Court on account of his absconsion can be given at this stage though this Court is not inclined to show any indulgence to the present applicant/accused who has remained absconder from the trial Court without any plausible excuse. However,

looking at the peculiar facts and circumstances of this case and no objection by the complainant as well as learned A.P.G, the NBWs issued by learned IIIrd Additional Sessions Judge, Dadu in respect of the present applicant/accused are hereby suspended for a period of two weeks and before expiry of such period, the applicant/accused is directed to surrender himself before the learned trial Court and seek appropriate remedy available to him under the law. If the applicant/accused fails to surrender before the learned trial Court within the stipulated period, this order shall cease to have no effect.

The instant Criminal Miscellaneous Application stands disposed of alongwith listed applications.

JUDGE.

Tufail

