

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VII
QUETTA

Criminal Revision Petition No.09/2024. (4)

Akash Aslam
Son of Aslam Masih.

..... Petitioner.

VERSUS

1. Judicial Magistrate-X,
Quetta.
2. The State.

.....Respondents.

CRIMINAL REVISION petition U/S 439-A Cr.P.C AGAINST THE
IMPUGNED ORDER DATED 27.11.2024 PASSED BY JUDICIAL
MAGISTRATE-X, QUETTA.

Miss. Asfer Mehak Advocate for petitioner.
Mr. Azizullah Kakar, ADPP for the State.

ORDER.
18.02.2025.

Through this Order, I shall disposed of the above mentioned Criminal Revision Petition filed under section 439-A Cr.P.C against the order dated 27.11.2024 passed by learned Judicial Magistrate-X, Quetta ("the trial court") whereby application filed by petitioner/surety for reduction of surety amount has been partly allowed by reducing the surety amount from Rs.10,00,000/- to Rs.300,000/-.

2. The concise facts arising out of instant criminal revision are that the petitioner/surety stood surety for accused person namely Majid Abbasi involved in case crime No.90/2024 registered at Police Station, Civil Line Quetta under Section 489-F PPC, on the report of complainant namely Muhammad Naem son of Muhammad Qasim and accordingly



submitted surety bonds in the sum of Rs.10,00,000/- and PR of the like amount however, at trial, the accused Majid Latif jumped bail accordingly, the learned trial court issued notices to the petitioner under Section 514 Cr.P.C. to show cause as to why his bond may not be forfeited and penalty amount of Rs.10,00,000/- may not be received from him but failed to appear before learned trial court, as such, his salary was attached/stopped by the trial court. The petitioner filed an application for reduction of surety amount, which was partly allowed by reducing the surety amount from Rs.10,00,000/- to Rs.300,000/- vide impugned order dated 12.11.2024. Hence this petition.

3. Feeling aggrieved from the impugned order dated 27.11.2024, instant Criminal Revision Petition has been filed with the following prayer:

“ In view of the forgoing, it is most respectfully prayed that this Hon’ble court may be pleased to :-

1. Call for the record of the proceedings in the case titled “State Vs Majid Latif” FIR No.90/2024 Police Station Civil Line Quetta and examine the legality, propriety and correctness of the order passed by the learned Judicial Magistrate.
2. Set-aside the impugned order the surety amount from Rs.10,00,000/- to Rs.300,000/- and directing the petitioner to pay Rs.25,000/- as installments.
3. Pass any other order or direction that this Hon’ble Court may deem just and proper in the circumstances of the case.”

After registration of the petition, the notice of the application was given to the State and in response to the Notice, Mr. Azizullah Kakar,



learned ADPP appeared for the State and copies of the petition and its annexures were provided to him.

5. I have heard the learned Counsel for the surety/petitioner and learned ADPP for the State as well as have gone through the memo of the petition, entire record annexed there-with and the impugned order carefully.

6. The careful perusal of record annexed with the petition manifests the surety/petitioner stood surety for accused person namely Majid Abbasi wanted in case crime No.90/2024 registered at Police Station, Civil Line Quetta under Section 489-F PPC, on the report of complainant namely Muhammad Naeem son of Muhammad Qasim and accordingly submitted surety bonds in the sum of Rs.10,00,000/- and PR of the like amount however, at trial, the accused above named jumped bail accordingly, the learned trial court issued notices to the surety/petitioner under Section 514 Cr.P.C. to show cause as to why his bond may not be forfeited and penalty amount of Rs.10,00,000/- may not be received from him but failed to appear before learned trial court, as such, his salary was attached/stopped by the trial court. The surety/ petitioner instead of contesting the matter submitted an application for reduction in the surety amount and payment of the reduced amount in monthly instalments, which application was disposed of by the trial court by means of following impugned order:

"The surety of Majid Latif namely; Akash Aslam appeared before this court and prayed for reduction of surety amount that is 10,00,000/-. He further argued that he tried is level vest to produce the accused Majid before this court but failed, as



Akash Aslam is the sole bread earner of his family and is unable to pay the surety amount of Rs.10,00,000/- in full. Therefore, keeping in view his financial position, this court reduces hereby the surety amount up to three lac, for which he has to pay monthly installment of Rs.25000/- (Rupees Twenty Five Thousand). Hence, the salary of Akash be restored subject to payment of above monthly installment."

7. The careful perusal of the above mentioned impugned order shows that the learned trial court has already shown grace and leniency in favour of the surety/petitioner by reducing the surety amount by 70% i.e., Rs.10,00,000/- to that of Rs.3,00,000/- and has allowed him to pay the same in monthly instalments of Rs.25,000/-, therefore; further reduction into the surety amount would be highly uncalled for, however; since the surety/petitioner is a low paid Class-IV employee (sweeper) having no other sources of income, therefore; in the interest of justice and solely on humanitarian grounds, the impugned order is partly modified and monthly instalments already granted by the learned trial court is further reduced by 50% i.e., Rs.12,500/- per month, which shall be deposited by the surety/petitioner before the trial court by 10th of each calendar month. The learned trial court shall issue necessary directions for the restoration of the monthly salary of surety/petitioner upon payment/deposit of the first instalment of Rs.12,500/-. The surety/petitioner shall be under obligation to make payment of the monthly instalments without fail and in case of default, the learned trial court may be at liberty to re-stop his pay without notice to him.

The Revision Petition stands disposed of in the above terms.



A certified copy of this order be sent to learned Judicial Magistrate-X, Quetta for information and necessary compliance.

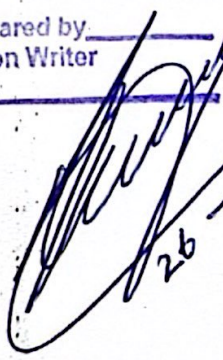
The file after its completion and compilation be consigned to record.

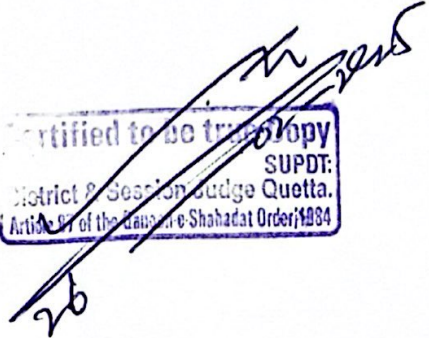
Given under my hand and seal of the court, this the 18th day of February, 2025.

Announced in Open Court.


(MUHAMMAD RAMZAN)
Additional Sessions Judge-VII Quetta

Compared by
Section Writer
M. Ali


26-02-2025


Certified to be true copy
SUPDT.
District & Session Judge Quetta.
Article 97 of the Quota & Shahadat Order 1984
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