JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

CRIMINAL REVISION NO. 63 OF 2025

AMBER NASIR KHAN

VS

THE STATE AND ANOTHER

Petitioner by : Mr. Abdur Rehman Babar, Advocate.

Respondents by : Raja Zameer ud Din, A.A.G.
Mr. Muzaffar S.I, F.IA.

Date of hearing : 26.06.2025

MUHAMMAD AZAM KHAN, J.

1. Through the instant Criminal Revision Petition under Section 435 read with Section 439 of the Code of Criminal Procedure, 1898 **("Cr.P.C.")**, the Petitioner/Accused has assailed the Order dated 23.04.2025 ("**Impugned Order**") passed by the learned Senior Special Judge Central-I, Islamabad, whereby the Petitioner/Accused has been declared **a** Proclaimed Offender and her SIM numbers, bank accounts, and CNIC have been ordered to be blocked in case FIR No. 44/2020 dated 28.01.2020, registered under Section 18/22 of the Emigration Ordinance, 1979, with Police Station FIA/AHTC, Islamabad.

2. The brief facts of the case are that on the complaint of Rohin Rafiq, Respondent No. 2 ("**Respondent No. 2/Complainant**"), the above-said FIR was registered against the Petitioner/Accused. After the registration of the FIR, Challan against the Petitioner/Accused was submitted in the Court. The Petitioner/Accused put her appearance and copies as required under Section 265-C Cr.P.C**.** were delivered to her, and the case was fixed for framing of charge. Thereafter, the Petitioner/Accused failed to appear before the Trial Court and subsequently she was declared **a** Proclaimed Offender vide the Impugned Order. Being aggrieved of the Impugned Order, the Petitioner/Accused has filed the instant Criminal Revision Petition.

3. The learned counsel for the Petitioner/Accused argued that the Petitioner/Accused is completely innocent; she has been falsely involved in the

present case due to *mala fide* intention and ulterior motives; that the learned Trial Court failed to ensure proper service of notice under Section 87 Cr.P.C**.** before declaring the Petitioner/Accused a Proclaimed Offender; that initiation of proceedings under Section 514 Cr.P.C**.** is unjustified as the Petitioner/Accused was not provided with a fair opportunity to explain her absence; that her non-appearance before the learned Trial Court was not intentional but due to lack of information; that the Impugned Order is harsh and violates the principles of natural justice; that the Petitioner/Accused undertakes to be present on all subsequent dates and face trial if her arrest warrants are cancelled, bail bonds restored, and CNIC unblocked. Lastly, the learned counsel prayed for acceptance of the instant petition and setting aside of the Impugned Order.

4. On the other hand, the learned A.A.G. has half-heartedly opposed the arguments of the learned counsel for the Petitioner/Accused, however, he admitted that the learned Trial Court did not adopt the procedure under Sections 87 and 88 Cr.P.C. in accordance with law.

5. I have heard the learned counsel for the parties and have also perused the record with their able assistance.

6. It appears that vide the Impugned Order, the Petitioner/Accused has been declared a Proclaimed Offender and her bail bonds have been cancelled. The order sheet of the learned Trial Court reveals that on 13.03.2025, the Petitioner/Accused appeared before the learned Trial Court and copies of the documents under Section 265-C Cr.P.C. were duly delivered to her. The case was then adjourned for framing of charge on 27.03.2025. However, on 27.03.2025, the Petitioner/Accused remained absent, and the learned Trial Court, without first issuing bailable warrants, directly proceeded to issue non-bailable warrants against her. On the very next date, i.e., 23.04.2025, without initiating proceedings for proclamation as required under Section 87 Cr.P.C., the Petitioner/Accused was declared a Proclaimed Offender. This procedure adopted by the learned Trial Court is not in accordance with law. It is settled law that the fundamental purpose of issuance of process through notice, summons, bailable warrants, non-bailable warrants, and ultimately proclamation, is to secure the appearance of the accused before the Court to face trial in accordance with law. The primary contention of the learned counsel for the Petitioner/Accused

is that the learned Trial Court failed to ensure proper service of notice under Section 87 Cr.P.C. prior to declaring the Petitioner/Accused a Proclaimed Offender, which deprived her of a fair opportunity to explain her absence and amounts to a denial of due process.

7. Record further shows that the Petitioner/Accused was granted post-arrest bail on the basis of compromise with Respondent No. 2/Complainant vide order dated 05.11.2024 passed by the learned Special Judge Central, Islamabad. In such circumstances, it would be in the interest of justice to give a chance to the Petitioner/Accused to appear before the learned Trial Court and to face trial.

8. For what has been discussed above, the instant Criminal Revision Petition is **allowed** and the Impugned Order dated 23.04.2025 is set aside to the extent of the present Petitioner/Accused. However, the Petitioner/Accused is warned to remain careful in future and is directed to appear before the learned Trial Court concerned on 10.07.2025. The learned Trial Court is directed to pick up the thread from where it was broken.

9. Copy of this order be sent to the learned Trial Court for information and compliance.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid