

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
Cr. Revision Appln. No. D-19 of 2024

Date	Orders with signature of Judge
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1. For orders on office objection.
2. For hearing of main case.

22-05-2025

Mr. Fatir Shoukat Shaikh, advocate for the applicant
Mr. Muhammad Noonari, D.P.G.

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AMJAD ALI SAHITO-J:- Through this criminal Revision application, the applicant has impugned the order dated 27.09.2024, whereby application filed U/S 516 Cr.P.C before the court of I-Additional Sessions Judge/Model Criminal Trial Court-I, Shikarpur in Special Case No.372/2023, wherein Cr. Misc. Appln. No.06/2024 for restoration of vehicle filed by the applicant was dismissed by the learned trial court only on the ground that applicant was authorized to attend the court issued by DVS SOLUTIONS (PVT. LTD).

2. Per learned counsel, infact the applicant is authorized person of the company and the Troller bearing registration No. JU-4383, Chasis No. SGIJDPA-11185, Engine No.JO-8CTGM-12413, Model 2009, Manufacture-HINO Troller 14 wheeler along with container was used for transportation and if any driver has mis-used the same for which the company has no concern as such company is entitled for restoration of the vehicle as no accused was arrested by the police. He has lastly prayed that the impugned order may be set-aside and vehicle may be returned to the applicant.

3. On the other hand, learned D.P.G. has vehemently opposed for grant of instant criminal revision application.

4. Heard, perused the record.

5. From perusal of record, it reflects that a police party was patrolling and secured a Troller bearing registration No. JU-4383, Chasis No. SGIJDPA-11185, Engine No. JO-8CTGM-12413, Model 2009, Manufacture-HINO Troller 14 wheeler along with container, whereas no accused was arrested, subsequently the F.I.R was registered bearing No.02/2022 of Police Station New Town Shikarpur for offence U/S 6,8,9-C of C.N.S. Act,1997. During proceeding, one Aijaz Ali Makwal appeared before the trial court and filed application for restoration of the vehicle, same was dismissed by the trial court on the ground that troller is registered in the name of "AGILITY LOGISTICS PVT. LTD", and the applicant was authorized to attend the Courts issued by "DVS SOLUTIONS (PVT. LTD)". As such the troller in question cannot be restored to the applicant on superdari basis. Learned counsel for the applicant has invited attention of this court at page No.41 of the file, wherein, the company has changed the name from "AGILITY LOGISTICS PVT. LTD", to "DVS SOLUTIONS (PVT. LTD). Such certificate was issued by Securities and Exchange Commission of Pakistan, which is available at page 41 of the file.

6. In view of above, instant criminal revision application is allowed. Impugned order dated 27.09.2024 is set-aside. The vehicle in question bearing registration No. JU-4383, Chasis No. SGIJDPA-11185, Engine No. JO-8CTGM-12413, Model 2009, Manufacture-HINO Troller 14 wheeler along with container is handed over to the applicant on superdari basis subject furnishing solvent surety in the sum of Rs.1,000,000/- and P.R bond in the like amount to the satisfaction of the trial court. However, it is made clear that if the applicant failed to produce the vehicle as and when it is required, then the trial court is at liberty to pass appropriate order in accordance with law.

7. Instant criminal revision application stands disposed of as above.

Judge

Judge

Abdul Salam/P.A