

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Rev. Application. No. /2022

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Syed Tahir Ali Rizvi
S/o Syed Mukhtar Ali Rizvi
Muslim, adult, resident of
House No. L-24838, Block-2,
Gulzazra-e-Hijri, Scheme No. 33,
Karachi.....

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PRESENTED ON
05-07-2022

[Signature]
Deputy Registrar (Judicial)
3078

Applicant

Versus

1. The State
2. Syed Muzaffar Ali S/O Syed Muhammad Nazim
R/O H.No. 149/C Street No.1, Askari-IV Rashid
Minas Road Karachi
(Director Air Transport & Economic Regulation CAA
Karachi.....Respondents

CRIMINAL REVISION APPLICATION U/S 435/439 Cr.P.C.

Being aggrieved and dissatisfied with the order dated 08.06.2022 passed by the Learned District and Session Judge Malir at Karachi, whereby Miscellaneous Application of the Applicant was dismissed without consideration of the facts of the case & Misc Application and the case law cited before the learned District & Session Judge hence applicant prefer instant Revision Application on the following facts and grounds:- (Certified copy of Order dated 08-06-2022 is annexed herewith and marked as Annexure A)

FACTS

- A. Facts of the case are that an FIR No. 16/2020 was registered under Section 406/420/489-F/109/34 PPC R/W 3/4 AML Act 2010, at PS: FIA Corporate Crime Circle, Karachi, after completion of Enquiry bearing No. 80/2018 and investigation, the I.O. submitted charge sheet/Report under section 173 Cr.PC before the learned District & Session Judge Malir at Karachi. The Court has taken cognizance thereof, as such the vehicle bearing No. ZAF-956 of Applicant was neither recovered nor seized by the Investigating Officer either during the Enquiry or investigation of the case. However, a notice under section 5 (sub section 5) of FIA Act 1974, was served upon the Excise and Taxation (Motor Registration) Department Karachi as a result thereof the Excise Department kept the file of the vehicle under



THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.174 of 2022

For Applicants: Mr. Amit Kumar, learned advocate
For Respondents: Mr. Pir Riaz Shah, learned DAG
Date of hearing: 20-03-2025
Date of Judgment: 08-04-2025

JUDGMENT

Jan Ali Junejo, J.— Through this Criminal Revision Application, the Applicant, Syed Tahir Ali Rizvi, has challenged the order dated 08.06.2022, passed by the learned Sessions Judge, Malir, Karachi, whereby his application for unblocking the vehicle bearing Registration No. AZF-956, Toyota Corolla Altis, was dismissed.

2. The prosecution case arises from FIR No. 16/2020 registered at FIA Corporate Crime Circle, Karachi, under Sections 406, 420, 489-F, 109, 34 of the Pakistan Penal Code (PPC) read with Sections 3/4 of the Anti-Money Laundering Act, 2010. The FIR pertains to allegations of misappropriation and embezzlement of funds amounting to Rs. 2,021,243,609/- by the CEO, Directors, and Management of M/s Shaheen Air International, allegedly through fraudulent means.

3. In pursuance of the investigation, various movable and immovable properties of the accused company and its directors were seized, including the under subject vehicle, which was frozen Section 5(5) of the FIA Act, 1974, by letter No. FIA/CCCK/FIR-16/2020/11244-45 dated 14.10.2020. The Applicant claims to be a bona fide purchaser of the said vehicle, having



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purchased it in July 2021 from one Muhammad Rafiq S/o. Muhammad Amin for Rs. 2.35 million. The Applicant argues that at the time of purchase, the vehicle was not under any legal restriction and was duly transferred in his name by the Excise and Taxation Department.

4. Learned counsel for the Applicant has argued that the learned trial court failed to appreciate the facts and law involved in the matter, rendering the impugned order bad in law, illegal, and perverse. He further argued that the Applicant is a bona fide purchaser of the vehicle in question, having fulfilled all legal formalities for its transfer. It is further argued that at the time of purchase in July 2021, there was no inquiry pending against the vehicle, nor was any FIR registered in its regard. He further submits that the vehicle was transferred to the Applicant's name in compliance with legal procedures, and he was never served any prior notice before the blocking of registration. It is contended that the FIA and the Investigating Officer acted beyond their authority in blocking the vehicle without tangible evidence, causing hardship to the Applicant. It is further emphasized that the impugned order is based on misreading and non-reading of evidence and fails to consider the corroborative oral and documentary evidence submitted by the Applicant. Lastly, the learned counsel has prayed for allowing the Criminal Revision Application as prayed.

5. Conversely, learned APG opposed the revision application, contending that the vehicle in question was seized as part of a broader investigation into the misappropriation of government funds by Shaheen Air International and was rightfully frozen under the FIA Act, 1974, as it was originally registered in the name of Yawar Mehmood Sehbai, one of the



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accused directors. He further argues that the alleged sale of the vehicle by Muhammad Rafiq to the Applicant in July 2021 is highly questionable, as the payment was made via cheque to a third party, Aftab Khan Jadoon, rather than to the registered owner or any accused in the case, raising serious doubts about the transaction's legitimacy. He maintains that the Applicant has failed to establish a valid and unencumbered title to the vehicle, particularly when it was already subject to an asset-freezing order as part of the case investigation. He asserts that the investigation is still ongoing, and unblocking the vehicle at this stage could compromise proceedings and allow the dissipation of case property, frustrating the purpose of the inquiry. He emphasizes that the learned trial court correctly dismissed the application, as granting relief to the Applicant would set a dangerous precedent, enabling third-party claims to obstruct criminal investigations. In light of these facts, he prays for the dismissal of the Criminal Revision Application, asserting that the Applicant has not approached the Court with clean hands and has failed to provide substantial justification for interference with the impugned order.



6. Upon perusal of the record and considering the arguments advanced by both parties, the following observations are made: The vehicle in question was seized under a valid legal provision, i.e., Section 5(5) of the FIA Act, 1974, as part of an ongoing investigation into a large-scale financial crime. The chain of transactions involving the vehicle raises serious doubts about its bona fide nature, particularly the fact that it was transferred from Shaheen Air International to Yawar Mehmood Sehbai in 2018, and later allegedly sold in 2021 through an "open letter" with payment directed to a third party. The learned Sessions Court correctly observed that allowing the release of

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the vehicle at this stage would complicate the investigation by creating third-party interests. The Applicant has failed to demonstrate that he exercised due diligence in verifying the ownership history of the vehicle before purchasing it. The authorities were within their rights to freeze the vehicle, given its linkage to a high-value financial fraud case, and the Applicant was not entitled to prior notice under the circumstances. The Applicant has failed to demonstrate that the impugned order suffers from any jurisdictional defect or legal infirmity warranting interference by this Court.

7. In light of the foregoing, the Criminal Revision Application being devoid of substantive merits is hereby **dismissed**, and the impugned order dated 08.06.2022 passed by the learned Sessions Court, Malir, Karachi is upheld.



JUDGE

THE HIGH COURT OF SINDH, KARACHI
CERTIFIED TO BE TRUE COPY

(MUHAMMAD SARFARAZ)
I/C: ASSISTANT REGISTRAR (COPYING)

Handwritten signature and date: 1.8/22

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