

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-7390 of 2018**

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Order with signature of Judge

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**Mr. Ashraf Khan**  
**Vs.**  
**Federation of Pakistan and others**

1. For orders on Nazir Report dated 08.11.2018.
2. For hearing of CMA No.32406 of 2018
3. For hearing of CMA No.32407 of 2018
4. For hearing of main case

13.11.2018.

Mr. Asad Iftikhar, Advocate for the petitioner.  
Lt. Cdr. Imranul Haq, Director Legal Affairs of respondent  
No.2 is present.  
Mr. Mohammad Zahid Khan, Assistant Attorney General.

**ORDER**

**Mohammad Ali Mazhar, J.** The petitioner has approached this Court for directions against respondent No.3 Marine Fisheries Department to release vessel of the petitioner which is registered under the Coasting Vessels Act, 1938.

In pursuance of order of this Court dated 26.10.2018, Nazir of this Court has submitted a report to show that the fish stock was auctioned on as is where is basis for total sum of Rs.300,000/- which has been kept by respondent No.2 Pakistan Maritime Security Agency.

The record reflects that FIRs bearing No.414 of 2018 under Sections 3 and 9 of the Fisheries Act as well as another FIR bearing No.418 of 2018 under Section 353/186/34 PPC have been registered against the petitioner and some other persons at P.S. Docks, Karachi. The Officer of respondent No.2 submits that in one case charge sheet has been submitted. At this juncture, learned counsel for the petitioner informs the Court that for release of the vessel an application under section 516-A Cr.P.C. has already been moved by the petitioner before the concerned Court which is pending and the Officer of respondent No.2 admits that such application has already been filed which is pending

before the concerned Judicial Magistrate. Since the petitioner has already adopted due course and filed an application before the concerned Magistrate for release of his vessel, therefore, no further directions are required to be passed by this Court. However, the learned Judicial Magistrate, Karachi West is directed to decide the application of the petitioner for release of his vessel moved in Crime No.414 of 2018, preferably within a period of fifteen days in accordance with law. The release of the auction money shall also be decided by the learned Judicial Magistrate alongwith fate of main case.

The petition stands disposed of in the above terms.

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