

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD

**Cr. Revision Application No.S-54 of 2020**

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on M.A No.5004/2020
2.	For orders on office objection(s)
3.	For orders on M.A No.5005/2020
4.	For hearing of main case

04.08.2020

Mr. Abdul Majeed Magsi, advocate for applicant

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1. Urgent application is disposed of.
2. Overruled.
3. Granted subject to all just exceptions.
4. Through this Criminal Revision Application applicant has assailed the legality and propriety of the order dated 25.07.2020 passed by learned Sessions Judge Tando Muhammad Khan in Criminal Miscellaneous Application No.06 of 2020 (Re: Chutto Khan S/o Hasil Jatt versus The State) in Crime No.182 of 2020 registered at PS Bulri Shah Kareem (R.A) u/s 8 of SPPMSGM Act, 2019, whereby, the learned trial Court after hearing the parties dismissed the application filed by the applicant under Section 516-A Cr.PC.

It appears from the record that challan has already been submitted, but according to learned counsel for the applicant, no substantial progress in trial has been made in this case and the subject car which has been allegedly used in this crime has been detained at PS being case property.

It is stated by the learned counsel that the applicant is the owner of the said Toyota Corolla vehicle Model-2015 bearing Registration No.BCY-317, Chassis No.NZE170R-4016689 and Engine No.Z178959. He further submits that the ownership of the vehicle in question has not been disputed either by registration authority or Excise and Taxation Department or any other person, therefore, further detention of the said car in police custody would serve no purpose.

Ms. Sana Memon learned APG present in Court in some other matters after going through the file waives the notice and recorded her no objection, if the said vehicle is released to its owner on superdari basis after furnishing solvent surety.

As observed above the case is at initial stage; admittedly the applicant is owner of the subject car that it has come on record that the applicant has rented out

the said car and he has no knowledge about the present incident; that the subject car is lying at Police Station in open space without proper care and it is allegedly being used by the police, and in this monsoon season / weather the expensive subject vehicle will be destroyed. During the course of arguments, I have asked the question from learned A.P.G whether any narcotic was being transported through subject car, she replied in negative; however, under the circumstances and the grounds as agitated by the applicant in the memo of instant application, she has recorded her no objection to allow this criminal revision application.

Under these circumstances and with no objection of learned APG, the impugned order passed by learned Sessions Judge Tando Muhammad Khan is set aside and the instant criminal revision application is allowed with directions to concerned Department to release the said vehicle in favour of the applicant after proper verification and identification, however, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and P.R Bond in the like amount for the satisfaction of learned Trial Court. It is made clear that applicant would produce the case property / subject car before the learned Trial Court, as and when required and shall not sale the same without prior approval of the learned Trial Court.

Needless to state that observations made herein above, are tentative in nature and shall not influence the learned Trial Court at hearing the case.

This Criminal Revision Application stands disposed of in above terms.

JUDGE

Sajjad Ali Jessar