

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

Cr. Misc. Appln. No. S-25 of 2019

Date	Order with signature of Judge
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For hearing of main case.

02.11.2020

Mr. Mazhar Ali Laghari Advocate for the applicant

Mr. Shahzado Saleem Nahiyoon, DPG for the State.

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It is stated by learned counsel for the applicant that the licensed Repeater gun of the applicant was involved in a false case by the police. Learned trial Court while recording acquittal of the accused involved in that false case ordered for destruction of his Repeater gun without providing chance of hearing to him, which is against principal of natural justice. On coming to know of such fact, the applicant filed an application u/s 517 Cr.P.C but it was dismissed by learned trial Court vide his order dated 20.04.2017 on very technical grounds, such order was impugned by way of filing a Revision Application but it too was dismissed by learned Revisional Court without assigning cogent reasons which is impugned before this Court by the applicant by way of instant Cr. Misc. Application u/s 561-A Cr.P.C. By contending so, he sought for setting aside of impugned order with direction to learned trial Court to pass fresh order with regard to disposal of the subject Repeater gun to the applicant after providing him chance of hearing.

Learned D.P.G for the State recorded no objection to passing a fresh order by learned trial Court with regard to restoration of the subject Repeater gun to the applicant.

I have considered the above arguments and perused the record.

Admittedly, the applicant was not heard by learned trial Court when the subject Repeater gun was ordered to be destroyed. In that situation, the dismissal of the application of the applicant for restoration of his Repeater gun only for the reason that appeal period has expired was not justified. Consequently, the orders passed by Courts below are set-aside with direction to learned trial Court to pass fresh order on merits on application of the applicant for restoration of his Repeater gun.

The instant Cr. Misc. Application is disposed of accordingly.

J U D G E

Ahmed/Pa,