

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Rev. A. No.D- 24 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objections
For hearing of main case.

27.01.2021.

Mr. Aijaz Bhutto, Advocate for applicant.
Mr. Shahnawaz Brohi, Special Prosecutor ANF.

====

The facts in brief necessary for disposal of instant Criminal Revision Application are that Toyota Corolla Car bearing Registration No.*ALL-922* was used for transporting 20 kg of the Charas and 05 kg of the Opium by the culprits involved in such incident, for that a case was registered.

2. On conclusion of the trial, the culprits involved in the above said incident were convicted accordingly while the subject Car was confiscated in favour of State by learned Special Judge (CNS)/MCTC-I, Hyderabad vide property order dated 12.11.2020, which is impugned by the applicant before this Court by making the instant Criminal Revision Application.

3. It is contended by learned counsel for the applicant that the applicant is lawful owner of the subject Car; he has nothing to-do with the alleged incident and the subject Car has been confiscated by learned trial Court by way of impugned order without providing him chance of hearing, therefore, the impugned order being illegal is liable to be set-aside with direction to police to restore the custody of subject Car to the applicant.

4. Learned Prosecutor for ANF has sought for dismissal of instant Criminal Revision Application by contending that the subject Car was used in commission of incident and has rightly been confiscated in favour of State by learned trial Court.

5. We have considered the above arguments and perused the record.

6. Admittedly, no chance of hearing has been provided to the applicant by learned trial Court prior to recording confiscation of the subject Car in favour of State, which is contrary to the mandate contained by Article-10(A) of the Constitution of the Islamic Republic of Pakistan 1973, which prescribed fair trial to every citizen for determination of his Civil / Criminal rights and obligations.

7. In view of above, the property order to the extent of confiscation of the subject Car is set-aside with direction to learned trial Court to pass the same afresh after providing chance of hearing to all the concerned.

8. The instant Criminal Revision Application is disposed of in above terms.

JUDGE

JUDGE