

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

Criminal Revision Application No. S-53 of 2020

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections  
For hearing of main case  
For hearing of MA-4878/2020

25.02.2021.

Mr. Tarique Ali Mangi, advocate for applicant.  
Mr. Shahid Ahmed Shaikh, D.P.G for State.

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The facts in brief necessary for disposal of instant Revision Application are that the subject Car was used for transporting 3100 grams of the Charas, a case was registered accordingly at P.S. Kotri. The applicant claiming to be owner of the subject Car by way of making an application u/s 516-A Cr.P.C sought for its custody on Superdari. It was dismissed by learned 1<sup>st</sup> Additional Sessions/CNS Judge, Kotri vide his order dated 21.07.2020, which is impugned by the applicant before this Court by way of instant Criminal Revision Application.

2. It is contended by learned counsel for the applicant that the subject Car was stolen and then was used in commission of above said incident by the culprits; therefore, the applicant being its lawful owner could not be denied its custody on Superdari. By contending so, he sought for setting aside of impugned order with direction to learned trial Court to restore the subject Car in favour

of the applicant on Superdari subject to furnishing requisite security.

3. Learned D.P.G for the State has sought for dismissal of instant Criminal Revision application by contending that the applicant has acquired the ownership of the subject Car from accused Rizwan only to deprive the legal course of its forfeiture.

4. I have considered the above arguments and perused the record.

5. Nothing has been brought on record which may suggest that the subject Car was stolen away and such incident was reported by the applicant to the police. As per impugned order, the applicant has acquired the ownership of subject Car from Rizwan, who apparently has used the same for transporting the Charas. As per learned D.P.G for the State the change of ownership of the subject Car is based on malafide only to defeat its forfeiture. In these circumstances, learned trial Court was right to refuse restoration of subject Car to the applicant on Superdari by way of impugned order, which is not calling for any interference by this Court by way of instant Criminal Revision Application, it is dismissed accordingly.

JUDGE