

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

Cr. Misc. Appln. No.D- 07 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

- 1.For orders on office objection
- 2.For orders on MA-3854/19
- 3.For hearing of main case.

04.09.2019.

Mian Taj Muhammad Keerio, Advocate for
applicant.

Ms. Sana Memon, A.P.G for the State.

====

1. Overruled.
2. Granted subject to all just exceptions.
3. The applicant by way of instant application u/s 561-A Cr.P.C has impugned order dated 13.03.2019, passed by learned Special Judge, CNS Sanghar, whereby his application for issuance of letter to Excise & Taxation Department Sindh at Karachi for deletion of entry in record in respect of his car was dismissed.

It is alleged that the car of the applicant was used for transporting 4½ kg of the charas by accused Muhammad Nazeer within jurisdiction of PS Shahdadpur. On trial, the said accused was found guilty for the above said offence and was convicted and sentenced accordingly vide judgment dated

22.10.2013 by learned trial Court. On appeal, the said accused, was acquitted by this court vide judgment dated 02.11.2017. On acquittal of the said accused, the applicant made an application before learned trial court for deletion of entry in respect of his car with Excise & Taxation Department Sindh at Karachi, it was dismissed by learned trial court by making an observation that the final judgment in case has been passed by this court, therefore, it would be proper for the applicant to approach this court.

It is contended by learned counsel for the applicant that the application of the applicant ought to have been disposed of by learned trial Court, on merits. By contending so, he sought for remand of the matter to learned trial court for disposal of the application of the applicant, on merits.

Learned A.P.G for the State was fair enough to concede for remand of the matter to learned trial court for disposal of the application of applicant on its merits.

We have considered the above arguments and perused the record.

It was the conviction, which was impugned before this court. The order with regard to disposal of the car finally is yet to be passed by learned trial court. The application of the

applicant has not been disposed of by learned trial court on merits, but on the basis of presumption and assumption.

In view of above, the impugned order is set-aside with direction to learned trial court to dispose of the application of the applicant a fresh in accordance with law after providing chance of hearing to all the concerned.

Instant application is disposed of accordingly.

JUDGE

JUDGE