

**ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI**

CP No. D-5940 of 2020
CP No. D-5887 of 2020

Date	Order with signature of Judge(s)
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CP No. D-5940 of 2020

1. For orders on CMA No.7519/2021.
2. For hearing of main case.

CP No. D-5887 of 2020

1. For orders on CMA No.7520/2021.
2. For hearing of CMA No.25267/2020.
3. For hearing of main case.

11.03.2021

Mr. Muhammad Nadeem Qureshi, advocate for the petitioner in CP No.D-5940 of 2020.

Mr. Atique-Ur-Rehman Khan, advocate for the petitioner in CP No.D-5887 of 2020.

Mr. Khalid Rajpar, advocate for the respondents No.2, 3 & 4.

Mr. Muhammad Ahmer, Assistant Attorney General.

Mr. Jawad Dero, Additional Advocate General Sindh.

Mr. Haroon Waqar Malik, Additional Collector of Customs.

Mr. Muhammad Asim Awan, Deputy Collector of Customs.

Malik Safdar Ali, Senior Preventive Officer.

Mr. Javed Ahmed Mahar, Conservator, Sindh Wildlife Department.

We have heard all learned Counsel as well as learned Additional Advocate General. By consent, both these petitions are disposed of in the following terms:

1. The petitioners, if aggrieved by the orders dated 21.10.2020 and 14.11.2020, passed by the Special Judge (Customs and Taxation) may seek appropriate remedy, by impugning such orders before the competent court, which shall be dealt with in accordance with law.
2. The petitioners, if so want, can also approach the trial Court¹ constituted under the Sindh Wildlife Protection, Preservation. Conservation and Management Act, 2020, where, presently Crime No.01/2021 dated 25.01.2021 is pending, for any remedy as may be available in law, including the interim

¹ District and session court as per section (lviii) presently assigned to Xth Additional District & Sessions Judge, Karachi-South

release of the birds in question, which shall be dealt with as per law.

3. During such period and till such time the competent court seized with the above crime decides it, the custody of the birds shall be kept safe by the Customs authorities as directed vide our orders dated 25.11.2020 and 8.12.2020 and, if needed, may seek assistance from the Wildlife Department of Government of Sindh as well as from the petitioners.
4. It is expected that due to the nature of case and life of the birds, the Court seized with the matter, will make all possible efforts to decided it expeditiously and on priority.

With these observations, both the petitions, along with pending applications, are disposed of. Let copy of this order be issued to the office of learned Advocate General and the Court as above.

Office is further directed to place a copy of this order in the connected petition as mentioned above.

JUDGE

JUDGE