

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

Cr. Rev. A. No.S- 48 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of main case.

30.05.2022

Mr. Saifullah Dasti, Advocate for the applicant.

Mr. Fayaz Hussain Saabki, A.P.G Sindh.

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Through instant criminal revision application, applicant Abdul Majeed assailed the order dated 28.02.2022, passed by the learned Vth Additional Sessions Judge/MCTC, Shaheed Benazirabad, in Cr. Misc. A. No.04 of 2022 (Re: Abdul Majeed V The State), whereby the learned trial Court declined the plea raised by applicant for return of his vehicle/case property i.e. Suzuki Cultus Car bearing Registration No.BQJ-822, Chassis No.NF-1AVK31H10042803, Engine No.PK-10K142783, Model 2019, White Colour.

Learned counsel for the applicant submits that applicant is real owner of the subject vehicle, which has been verified by Excise & Taxation Authority, Karachi; that applicant used the said vehicle for his personal use as well as for earning his livelihood; that applicant is ready to furnish a solvent surety in order to ensure its production before learned trial Court as and when required.

Learned A.P.G in view of the above, extended his no objection.

Admittedly, the applicant is owner of the subject car/case property. According to prosecution case, accused persons while boarding in the said car came at the place of offence and committed the alleged offence; therefore, they ran away while leaving the car at spot. It is pertinent to mention that except to support circumstantial evidence, subject car is not required with regard to prove any article available relating to the alleged offence/murder or fire

shot(s) injuries. Further, if subject car is retained at police station for indefinite period it will become to decay as well as serve no useful purpose.

In view of above, instant criminal revision application is allowed and the impugned order dated 28.02.2022 is set aside. Consequently, the custody of the subject car is restored to the applicant on Superdari basis subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand) and P.R Bond in the like amount to the satisfaction of the trial Court. The applicant shall produce the said car before trial Court as and when required.

JUDGE

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