

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Revision No. S – 10 of 2020**

**Cr. Revision No. S – 11 of 2020**

1. For orders on office objection at flag 'A'
2. For hearing of main case

**16.03.2020**

Mr. Zafar Ali Eidan Mangi Advocate for the Applicant in both the Criminal Revision Applications

Mr. Shafi Muhammad Mahar, DPG for the State

Khalid Mehmood complainant is present in person

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**Amjad Ali Sahito, J;** Through this common order, these two Criminal Revision Applications are being disposed of filed by the applicant namely Imran Ali Malik, whereby he has impugned the orders dated 07.02.2020 passed by learned IV-Additional Sessions Judge Khairpur in two Criminal Miscellaneous Application Nos. 4453 and 4454 of 2019 seeking restoration of the Hino Truck / Troller bearing Registration No.JU-6418, Model, 2013, Engine No.JO8C FM24797, Chassis No.FGIJDPT12305 loaded with biscuits of Celerity Supply Chain (Pvt) Ltd. on Superdari basis, involved in Crime No.89/2019 of Police Station Baberloi under Section 412 PPC as well as Crime No.244/2019 of Police Station 'B' Section Khairpur under Section 395, 342 PPC.

2. Learned counsel for the applicant contends that the learned trial Court while passing the impugned orders has not considered the material available before him, as the applicant being the supervisor of the M/s Celerity Supply Chain (Pvt) Limited, whereas, the lease was fully settled

between the Faysal Bank, therefore, no objection certificate for clearance of outstanding liabilities and sale / change of ownership along with deletion of Faysal Bank's name as owner of the vehicle has been issued; that the Builty and Authority letter issued by Company in favour of M/s Islamabad W/H is also available on record but the same has not been considered by learned trial Court; that there is no claim of the vehicle as well as the loaded biscuits except the present applicant being the supervisor of the company; that the rainy season is going on and there is every likelihood that the load biscuits would be damaged as the vehicle is parked without shelter; that the applicant undertakes that he will produce the vehicle as and when required by the Court. He lastly prayed that the impugned orders dated 07.02.2020 may be set-aside and the vehicle along with loaded biscuits may be restored to the applicant being supervisor of the company and he is ready to furnish the required surety.

3. Learned DPG appearing for the state conceded the above position and recorded no objection for allowing these two criminal revision applications by contending that the applicant being the Supervisor of the M/s Celerity Private Limited has been empowered by the company therefore, he is entitled for restoration of the vehicle with loaded biscuits and he may be bound to produce the vehicle before the trial Court so also the pictures of the biscuits shall be kept on record.

4. I have heard the learned counsel for the applicant as well as learned DPG for the State and perused the entire material available on record. Admittedly, the vehicle in question along with loaded Biscuits was robbed

from its Driver Khalid Mehmood and such FIR bearing Crime No.89/2019 was got registered at Police Station Baberloi, whereas, the said vehicle was recovered by the police and such FIR bearing Crime No.244/2019 on behalf of the State was got registered at Police Station 'B' Section Khairpur. The applicant is Supervisor of the M/s Celerity Supply Chain Pvt. Limited and he has produced the authority letter as well as ownership documents of the vehicle / Truck –Troller, which is in the name of M/s Faysal Bank, but the concerned bank has issued clearance certificate as well as the No Objection Certificate. The driver of the vehicle / complainant Khalid Mehmood is also present, who has also recorded his no objection for restoration of the vehicle / Troller as well as Biscuits loaded thereon to the applicant Imran Ali Malik, who is the Supervisor of the M/s Celerity Supply Chain Pvt. Limited. In this regard, the applicant has also placed on record such Authority Letter issued by the Company in his favour. The biscuits loaded in the Truck/troller are edible, if kept for an indefinite period in the Truck/troller, there is every likelihood that the same would be damaged or will be expired. In such circumstances, the applicant being the Supervisor of M/s Celerity Supply Chain Private Ltd, is entitled for restoration of the Truck/Troller as well as the Biscuits loaded therein. Accordingly, the instant Criminal Revision Applications are allowed, the impugned orders dated 07.02.2020 passed by learned trial Court are set-aside. The Hino Truck / Troller bearing Registration No.JU-6418, Model, 2013, Engine No.JO8C FM24797, Chassis No.FGIJDPT12305 with loaded biscuits of Celerity Supply Chain (Pvt) Limited is restored to the applicant, subject to his furnishing one Solvent Surety in

the sum of **Rs.500,000/- (Five Lac)** and PR bond in the like amount to the satisfaction of trial Court. The applicant / Supervisor is directed to produce the aforesaid vehicle before the trial Court as and when required, whereas, the biscuits are edible item, therefore, pictures of the biscuits shall be taken and produced at the time of trial.

Judge

ARBROHI