

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Misc. Application No. 272 of 2020

Date	Order with signature of Judge
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For hearing of main case

30.11.2020

Mr. Zulfiqar Ali Langeh, Advocate a/w applicant.

Mr. Zahoor Shah, DPG a/w PI Usman Asghar of SIU/CIA and SIP Khalid Javed of P.S. Defence.

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Omar Sial, J: Muhammad Ali Khan has impugned an order dated 27-7-2020 passed by the learned 2nd Additional Sessions Judge, Karachi South. In terms of the said order, the learned court had dismissed a criminal revision application which had been filed by the applicant against an order dated 13-7-2020 of the learned Civil Judge and Judicial Magistrate, Karachi South in terms of which he had dismissed an application under section 516-A Cr.P.C. seeking release of, inter alia, two vehicles.

2. The background to the case is that on 29-1-2019 a bank robbery was committed for which FIR No. 54 of 2019 was registered under sections 380, 457 and 34 PPC at Defence police station. The applicant is one of the accused in the said case. The two vehicles in question, of which release is sought, were seized by the police as having been bought from crime proceeds.

3. I have heard the learned counsel for the applicant as well as the learned DPG, who was assisted by the investigation officer of the case. My observations are as follows.

4. The learned DPG appraised the court that 2 vehicles though booked a couple of weeks earlier by the applicant, were paid for in cash immediately after the robbery occurred and were bought from the money robbed. The applicant has been unable to prove what his source of income/livelihood is; he has admitted that the ownership of the vehicles is not in his name; he has been unable to show any paper trail regarding the sale consideration paid by him for

the vehicles; though he provided a bank statement of an account in the name of his wife Maryam with a substantial balance in it and claimed that she had paid for the vehicles, he admitted that Maryam was a simple housewife without any source of income, he could not justify how Maryam came into possession of such a large sum of money. The investigating officer of the case also appraised the court that the applicant was not co-operating with the investigation and in fact was instrumental in harboring and protecting his driver Mehtab, who is in possession of valuable information connected with the case of bank robbery.

5. The evidence collected till now by the investigating officer appears to indicate that the vehicles in question may have been purchased from the crime proceeds. The applicant has not agitated any ground which would entitle him to take possession of the two vehicles pending trial. As regards the issue of the applicant not co-operating in the investigation, the investigating officer may initiate the requisite proceedings prescribed in law for such situations.

6. Above are the reasons for the short order of 19.11.2020 in terms of which this Criminal Miscellaneous Application was dismissed.

JUDGE