

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

Criminal Revision Application No.S-79 of 2023

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
	For orders on office objection. For hearing of main case.
<u>15-06-2023</u>	Mr. Muhammad Akbar Khan, advocate for applicant.  Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

**MUHAMMAD IQBAL KALHORO**, J: - Applicant, purported owner of Hino Bus HTV/vehicle bearing Registration No.BSC-145, filed an application under section 516-A CrPC for restoration of the said vehicle involved in crime No.104/2023 u/s 320, 379, 427 PPC, PS A-Section, Tando Allahyar, which on 17.04.2023 being driven by his driver Muhammad Adil had hit a motorcycle and killed 5 persons who were riding on it. The application has been dismissed on the ground that the said vehicle is a case property and driver who is accused in the case is absconder has not been arrested. However, learned counsel today has stated that he is ready to submit the original registration documents with the trial Court to ensure that as and when presence of vehicle is required in the case, he will produce the same. Apart from submitting the original documents/registration book, the applicant is ready to furnish surety of Rs.5,000,000.00 (Rupees fifty lacs only) for the same purpose. Learned A.P.G. Sindh over these conditions has recorded no objection.

I have heard parties. Admittedly the applicant is not accused in the case. The question whether for the crime of his driver, he can be held responsible or not, cannot be answered summarily without a trial. *Prima facie* applicant being owner of the Bus has nothing to do with the commission of the offence and he cannot be held liable for a part his driver has done in the offence. Presence of vehicle/Bus at police station will not serve any purpose, and on the contrary, it will ruin its condition without a benefit to anyone. Therefore, this application is **allowed**. Trial Court is directed to verify ownership of the Bus and in case applicant is found exclusive owner, it shall release/restore the possession of Bus No.BSC-145 to him subject to submitting original documents/registration book and in addition to furnishing surety of Rs.5,000,000.00 (Rupees fifty lacs only) to ensure

that as and when the Bus is required by the trial Court, it is produced by the applicant.

**\*Abdullah Channa/PS\***

**JUDGE**