

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Revision Appln. No.S-40 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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Mr. Abdul Rehman A. Bhutto, advocate for the applicant along with applicant.

Mr. Abdul Sattar Janvri, advocate for the respondent No.2.

Mr. Khadim Hussain Khooharo, A.P.G.

Date of Hearing : 08.08.2016.
Date of Order : 08.08.2016

ORDER.

This Crl. Revision Application under section 435, 439, Cr.P.C is directed against the order dated 11.02.2016, whereby the In-charge learned Ist Additional Sessions Judge, Larkana, while allowing an application under section 517, Cr.P.C, filed by the applicant/accused, namely, Masood Ahmed Chandio in old Special Case No.459/1997, new Special Case No.03/2002 (re: State v. Masood Ahmed and 2 others) arising out of Crime No.34/1997, registered at Police Station Bakrani, under section 324, 34, 114, PPC, directed to handover to said applicant the case property viz. one rifle bearing No.186-25402 SBBL of 223 bore alongwith magazine USA made, one pistol bearing No.31032339 SBBL of 30 bore alongwith one magazine with four live bullets china made, license No.3763 dated 6.8.1984 and licensed No.4361 dated 21.3.1988.

Learned counsel for the applicant has submitted that the present applicant is serving as Record Keeper, District & Sessions Court, Larkana, and he has impugned order dated 11.02.2016 in this Crl. Revision Application on the ground that the aforementioned case property was not available in the Property Room and as per Note dated.26.6.2000 mentioned in the relevant page of the Register, the same had already been returned to the concerned police by the then Record Keeper, therefore, impugned order suffers from illegality; hence the same is liable to be set aside.

At very outset, learned counsel for the applicant put to notice to satisfy this Court as to how this Crl. Revision Application is maintainable against the impugned order with reference to the *locus standi* of the applicant on that he has

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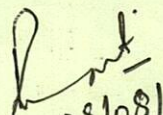
submitted that the learned Ist. Additional Sessions Judge, Larkana, without calling report from the applicant being Record Keeper of the Court, allowed the application vide impugned order dated 11.02.2016, directing him to return the case property to applicant/accused Masood Ahmed Chandio, which was already returned to the concerned police by the then Record Keeper of District & Sessions Court Larkana, therefore, on being failed to comply with the order, he was served with a show-cause notice on 23.02.2016, by the learned Ist Additional Sessions Judge, Larkana, calling upon the applicant to produce the above mentioned case property along with relevant record; therefore, he has filed instant Crl. Revision Application. He has also submitted that in this regard an inquiry is also pending against the applicant.

On the other hand, learned counsel for the respondent No.2, and A.P.G have fully supported the impugned order. They have maintained that prima facie the case property has been misappropriated from the record room of Sessions Court, Larkana and in this regard an enquiry is being conducted by the Ist Additional Sessions Judge, Larkana.

Heard learned counsel for the parties and A.P.G and perused the material available on record.

It is not disputed that the applicant/accused namely, Masood Ahmed Chandio, was the owner of the aforementioned case property, therefore, his application under section 517, Cr.P.C was allowed by the learned Ist. Additional Sessions Judge, Larkana. Since the said property was not handed over to the said applicant/accused by the present applicant, the present applicant was served with the show-cause notice by the learned Ist Additional Sessions Judge, Larkana and order of holding an inquiry against him was also passed by said learned Judge. This application is; therefore, appears to have been filed by the applicant only to defeat the said inquiry, otherwise present applicant has no *locus standi* to maintain this Crl. Revision Application against the impugned order; hence the same being devoid of legal as well as factual merits is dismissed along with listed application, with no order as to cost.

Above are the reasons of my short order passed today.


08/08/2016
Judge