

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Crl. Misc. Appl. No.719 of 2023.

Date: Order with signature(s) of the Judge(s)

For hearing of main case.

07.04.2025.

Mr. Sheraz Anjum advocate for the applicant.
Mr. Siraj Ali Khan Chandio, Addl. P.G. Sindh a/w ASI-Shahzad of
PS Anti Vehicle Lifting System (AVLS).

The applicant has approached this Court by invoking its territorial jurisdiction, challenging the legality of the order dated 15.09.2023 passed by the learned Additional Sessions Judge-II, Karachi East, in Criminal Revision Application No. 81 of 2023. Through the said order, the learned Revisional Court dismissed the applicant's revision filed against the earlier order dated 24.08.2023, whereby the contempt application filed by the applicant was rejected.

Arguments of learned counsel for the applicant and learned APG for the State have been heard and the available record has been carefully examined.

The factual background reveals that vide order dated 03.05.2023, the Court of XXXII-Judicial Magistrate, Karachi East, had ordered restoration of a car bearing registration number BUS-276 under Section 550 Cr.P.C. Pursuant to this order, the applicant approached the concerned Station House Officer of Police Station Shahrah-e-Faisal for release of the said vehicle. However, the SHO declined to comply, citing that the vehicle was allegedly involved in FIR No. 3482 of 2022, registered under Section 381-A PPC at Police Station Sundar, Lahore.

The learned counsel for the applicant was unable to substantiate allegations of willful disobedience or deliberate defiance on the part of the SHO that would constitute contempt of court. It is also an admitted position that the SHO namely Malik Ghulam Murtaza, was not impleaded as a party in the amended title of the proceedings. During the course of arguments, the learned counsel for the applicant, in view of the above

shortcomings, did not press the application to the extent of initiating contempt proceedings against the said SHO. Instead, he confined his prayer to the restoration of the vehicle in question, submitting that the applicant had acquired the same through a financing arrangement with Bank Al-Habib and was making regular monthly payments. In support of this contention, a statement issued by the bank was placed on record.

On the direction of this Court, ASI Muhammad Shahzad of Police Station Anti-Vehicle Lifting Cell, Model Town, Lahore, appeared and submitted that during the course of usual investigation, the case registered at Lahore had been disposed of as untraced. He also stated that the original complainant of the said FIR was no longer in contact with police. His report has been taken on record.

It is pertinent to mention that the order dated 03.05.2023 passed by the Judicial Magistrate, Karachi East, restoring the vehicle to the applicant, has neither been challenged nor set aside by any competent forum and therefore remains intact and in the field. In this view of the matter, the applicant is at liberty to approach the concerned court or police authorities in Lahore for implementation of the said order and for restoration of the vehicle, if so advised.

Given the foregoing, the present criminal miscellaneous application stands disposed of in the above terms.

JUDGE

Shahbaz