

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.30 of 2025

Applicant : Muhabbat Khan
through Mr. Muhammad Akbar Khan, Advocate

Respondent : The State
through Ms. Rubina Qadir Addl. P.G. Sindh.

Date of hearing : 24.03.2025.

Date of order : 08.04.2025.

ORDER

KHALID HUSSAIN SHAHANI, J. – The Revision Application challenges the order dated 30.01.2025, whereby the learned Xth Additional Sessions Judge Karachi-West rejected the applicant's request under Section 516-A Cr.P.C for the release (Superdari) of vehicle bearing registration No.K-9290, Engine No. 6004020 and Chassis No.CPB-12-15130, a Nissan Truck. This application emanate out of Crime No. 383/2024, offence u/s 302, 201, 297, 109, and 34 PPC of Police Station Madina Colony, Karachi.

2. Notice was issued to the learned APG for the State and to the complainant.

3. The learned counsel for the applicant argued that the applicant is the lawful owner of the truck in question. He submitted that the investigating officer did not find any bloodstains or incriminating evidence inside the truck, which was allegedly used in the transport or disposal of the deceased's body. It was further argued that the vehicle is no longer needed by the investigating agency and retaining it would serve no useful purpose in the investigation. Hence, he prayed for its release.

4. Conversely, the learned APG, with the assistance of the complainant's counsel, opposed the application. They contended that the truck was used by accused Waseem to transport the deceased's body and was recovered from his possession. They maintained that the impugned order by the learned Additional District & Sessions Judge-X is based on sound reasoning and ought to be upheld.

5. Upon careful consideration, it appears that while the truck is allegedly linked to the disposal of the body, the investigating officer did not recover any bloodstains or other incriminating materials from it. Given the

lack of physical evidence within the vehicle, and considering that its continued detention may diminish its value, it is a settled legal principle that property not required for investigation should not be unnecessarily withheld, especially when such retention may prejudice the owner's rights.

6. As there is no forensic evidence connecting the vehicle to the crime, and in the absence of any competing ownership claims, and considering that the applicant is the registered owner, there is no justification for keeping the vehicle in custody. Therefore, the applicant is entitled to its release on Superdari.

7. Consequently, the impugned order of the learned Xth Additional Sessions Judge Karachi-West is hereby set aside. The vehicle is to be released to the applicant on Superdari, subject to furnishing a solvent surety in the sum of Rs.20,00,000/- (Rupees Twenty Hundred Thousand only) and personal bond of equivalent value before the trial court. The applicant must also provide an undertaking not to sell, repaint, or alter the vehicle without prior permission from the trial court. This condition shall remain effective until the conclusion of the trial. The office is directed to transmit a copy of this order to the trial court for necessary compliance.

J U D G E

shahbaz