

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Revision Application No.S-09 of 2024

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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01. For hearing of M.A No.6647/2024 (561-A)

01-09-2025

Mr. Ali Raza Pathan, advocate for the applicant.
Mr. Sardar Ali Solangi, Deputy Prosecutor General.

1. Through the instant CMA, the applicant seeks reduction in the surety amount of Rs.1 million, which was directed to be furnished with the trial court for the restoration of the vehicle/NISSAN Truck bearing Registration No.TKK-172, Chasis No.TD 10 NHR 01429, Engine No.081493, Model 1987.

2. The learned counsel for applicant submits that since last more than 18 months after the passing of the order by this court on 14-03-2024 the applicant has made hectic efforts to arrange the surety amount but he has failed to, on account of the financial constraints. He next contends that the case in which the property was involved has been kept in abeyance since 2019 and applicant being owner of the property has been deprived of its use despite of the fact that he is not an accused in the said case. Further submits that release of the vehicle on surety amounts nothing but to shift its custody from Malkhana to the surety and he being owner and surety will execute a bond before the court for its production if the trial commenced.

3. Learned DPG has opposed this application on the ground that the surety amount which was imposed was much less than the value of the property involved in the case. He submits that it is responsibility of applicant to arrange the surety.

4. Heard arguments and perused the material available on record.

5. Allegations against the accused nominated in the FIR were that of stealing oil from PARCO Pipeline and after submission of challan before the trial court the prosecution failed to produce witnesses before the trial court, thus the proceedings were kept in abeyance. It appears that until now prosecution has made no efforts to bring witnesses before the court. The FIR of the incident was lodged in year 2011 and since then the vehicle is parked in the Malkhana of trial court. The prosecution itself has lost interest in getting the accused convicted for whatsoever reasons and the owner of the vehicle has been punished by keeping his vehicle in custody, which by passage of 14 years time might have retarded and would have been converted for no use. In the given circumstances, keeping the vehicle before the court will serve no purpose for the prosecution, on the other hand would offend the fundamental rights of the applicant as to earn livelihood, therefore, submissions made by the learned counsel for the applicant require consideration. In the circumstances, the order dated 14-03-2024 is modified and the Superdari amount of Rs.1/- million is reduced to Rs.3/- lacs. Applicant shall execute a bond before the trial court that he shall not dispose of the vehicle for the period of 06 months from its date of release and if the prosecution fails to get the case re-opened, on the lapse of period of 06 months, the applicant shall be at liberty to dispose of the vehicle in accordance with law. The surety furnished by him before the trial court shall stand discharge and bonds so executed shall also be returned to him.

JUDGE