

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present: Justice Jawad Akbar Sarwana

Crl. Revision Application No.S-125 of 2024

Applicant : Ramchand s/o Bhuro Dewan,
Through Mr. Muhammad Saleem Laghari, Advocate

Respondent : The State, through Mr.Irfan Ali Talpur, Deputy
Prosecutor General, Sindh alongwith ASI/IO Moula
Bux, ASI Imamuddin and Inspector Mirzo Khan on
behalf of SSP, Hyderabad.

Date of hearing : 02.12.2025

Date of decision : 29.12.2025

ORDER

JAWAD AKBAR SARWANA, J: The applicant Ramchand is aggrieved by the order dated 29.03.2024 passed by the Sessions Judge Hyderabad ("trial Court") in Criminal Miscellaneous Application No.21/2024 seeking release of the crime property in FIR No.02/2024 registered with P.S Husri involving a Shehzore Pickup having Registration No.KP-9259, Engine No.D-4BB7520398, which was seized by the police authorities on 10.01.2024, when it was alleged to have been used for the transportation of 750 kg of crude oil (Khaam tailh) found in plastic sacks. The applicant applied for the release of the Shahzore Pickup, but the trial Court declined the application on the ground that the Pickup had been seized on 10.01.2024, whereas the ownership of the vehicle was allegedly transferred in the applicant's name subsequently.

2. As per the I.O., while an interim challan has been presented to the trial Court, the final challan is yet to be submitted. I.O has further submitted that the vehicle will be required during trial, as it was found carrying an allegedly stolen/illegal large quantity of sacks of crude oil and was also without a license for its transport.

3. Heard Counsel and perused the documents available in the application as well as the police file. I have not found any documentary evidence that contradicts the facts articulated in the impugned Order

dated 29.03.2024, i.e., the record clearly shows that the subject vehicle was transferred to the applicant's name on 15.01.2024, whereas it had already been seized on 10.01.2024. The transfer deed executed before the crime, available on record, is not a valid document and does not affect the transfer of ownership under the Motor Vehicles Ordinance. I have also seen photographs of the Shahzore Pickup and see that with the passage of time, the size of the plastic sacks has shrivelled. While, according to the I.O., the present condition of the plastic sacks filled with crude oil (khaam tailh) does not constitute a dangerous good, and currently placed in the vehicle, could be potentially separated from the impounded vehicle, yet both items together as placed form part of the evidence of the alleged crime, and for evidential reasons are best not removed from the vehicle at this stage. If the plastic sacks are removed from the Shahzore Pickup, the vehicle is used for transport and plies across the country. It may be challenging to recover expeditiously if released by the trial Court at this stage, as and when required for evidence.

4. In the circumstances, I do not find any defect in the impugned order. The Sessions Judge has correctly determined that the vehicle was not registered in the applicant's name at the time of seizure. Further, the Sessions Judge has correctly concluded that the vehicle, which is yet to be exhibited as case property in the pending trial, and cannot be released on superdari. Accordingly, this Criminal Revision Application is dismissed for the above reasons, subject to the applicant's right to file a superdari application for the release of the vehicle, afresh, after it has been produced in evidence and is no longer required by the trial Court, subject to the independent determination of such superdari application by the concerned trial Court without prejudice to the observations made by me today.

5. The application is disposed of in the above terms.

JUDGE

Tufail