

ORDER SHEET

IN THE HIGH COURT OF SINDH

CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-402 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For order on office objection.
- 2. For hearing of main case.

05-05-2025

Mr. Muhammad Noman Jaffer for applicant along with application.

Mr. Khalid Hussain Lakho, D.P.G. Sindh.

RIAZAT ALI SAHAR J:- Through this criminal miscellaneous application, learned counsel for the applicant has impugned the judgment dated 18.05.2023, whereby the learned VIIIth Additional Sessions Judge, Hyderabad dismissed the Criminal Revision Application No.11 of 2023, which was filed against the order dated 13.04.2023 passed by learned Judicial Magistrate-IX Hyderabad on two Criminal Miscellaneous Applications under section 523 Cr.P.C. one filed by the applicant and the other by Muhammad Faheem Siddique respectively who sought release of vehicle i.e. Honda Civic Car bearing registration No.ADL-119, Engine No.CF-3808632, Chassis No.NFBES85A11R100566 Model 2001 colour White. Hence, the applicant has filed this criminal miscellaneous application.

2. The learned counsel for the applicant contends that, as per the record, the subject vehicle was seized under Section 550 Cr.P.C. by a police party of Police Station Baldia, AVLK Hyderabad, on 28.02.2023, and such seizure was intimated to the concerned court vide Tola No. 07/2023. He submits that although the applicant is the lawful owner of the said vehicle, the learned Judicial Magistrate dismissed his application, as well as the application filed by another claimant, namely Muhammad Faheem Siddique. He further contends that the applicant purchased the vehicle in question from one Usama Khan on 04.02.2023 and he is in possession of the original file of the vehicle, which had previously been sold to various

persons. He contends that claimant Faheem Ahmed was the fifth owner of the vehicle, who subsequently sold it and the applicant later became the seventh owner, having had the vehicle duly transferred in his name. He further contends that the Anti-Vehicle Lifting Cell (AVLC) seized the vehicle without any lawful justification and it is presently impounded at Police Station Baldia, Hyderabad. He, therefore, prays that the subject vehicle be restored to the applicant.

3. On the other hand, the learned D.P.G. Sindh contends that the vehicle should be handed over to its last real owner in accordance with the documentary record.

4. I have heard the arguments advanced by the learned counsel for the applicant and the learned D.P.G. Sindh and have examined the original registration book of the vehicle. Upon perusal, it appears that the vehicle was initially registered in the name of one Rashid Sami and subsequently transferred through various owners, including Muhammad Faheem, who was its fifth owner. Thereafter, the vehicle was transferred to Muhammad Anwar and finally to the applicant, Hafiz Owais Ahmed. The name and parentage of the applicant as the present registered owner is corroborated by the report dated 24.07.2023 of SHO Police Station Sakhi Pir, Hyderabad, submitted by ASI, AVLC Hyderabad (Respondent No.2). Thus, it appears that the applicant, being the last registered owner of the subject vehicle, is entitled to its custody.

5. In view of the above, the instant application is **allowed**. Consequently, the SHO, Police Station Baldia, Hyderabad, is directed to hand over the custody of the subject vehicle to the applicant upon execution of a personal bond in the sum of Rs.1,000,000/- (Rupees One Million) before the SHO concerned, with the undertaking that the applicant shall produce the vehicle as and when required by any Court of law. The instant application stands disposed of.

JUDGE