

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Mohammad Abdur Rahman

Mr. Justice Dr. Shah Nawaz Memon

Spl. Customs Reference Application No. 247 of 2024 (The Collector of Customs Hyderabad VS Wahid Ullah & others)

Date of hearing: 17.09.2026

Date of decision: 17.09.2026

Applicant: Through Mr. Zulfiqar Ali Arain, Advocate.

Respondents: Nemo.

J U D G M E N T

DR. SHAH NAWAZ MEMON, J.: — This reference application, maintained under section 196 of the Customs Act, 1969 (hereinafter referred to as “the Act”), raises a single question, and one which recurs before this Court: whether a vehicle whose chassis number has been found upon forensic examination to be self made may be released to a private claimant against a redemption fine under section 181 of the Act. For the reasons which follow, we are respectfully of the view that it may not.

I. THE CONTROVERSY

1. The applicant Collectorate assails the judgment dated 18.01.2024 passed by the Customs Appellate Tribunal, Bench-III, Karachi in Customs Appeal No. H-05 of 2024, by which Order-in-Original No. 21 of 2023 dated 15.09.2023 was modified and the first respondent permitted to redeem, against a fine equal to twenty per cent of its value, a Hino oil tanker bearing registration number TUB-572 which the adjudicating officer had confiscated outright.
2. The vehicle was confiscated outright upon two footings, each independent of the other: that it was intercepted carrying thirty thousand litres of smuggled foreign origin High Speed Diesel declared as solvent oil, and that the Forensic Science Laboratory had reported, after chemical treatment of the chassis frame, that the number FF173-18728 which the vehicle bears is *self made / local handmade punched*.
3. The impugned order now stands reported¹. Its headnote carries, as propositions of law, the statements that forensic reports *were not reliable source of determination of genuineness or otherwise* and that such a report *cannot be considered as conclusive proof to establish the charge of smuggling on allegation regarding tampered chassis number*. Those propositions may therefore come to be relied upon in other cases. That is reason enough for this Court to deal with the question at rather greater length than the record would otherwise require.

¹*Wahid Ullah v. Collector of Customs (Adjudication)* [2026 PTD (Trib.) 163], decided on 18.01.2024 by the Customs Appellate Tribunal, Member Judicial-III.

4. Service upon the respondents has been held good and none of them has entered appearance. Mr. Zulfiqar Ali Arain, learned counsel for the applicant Collectorate, has been heard. The absence of the respondents does not entitle the department to succeed by default, and we have accordingly examined for ourselves the authorities upon which the first respondent succeeded below, and such authorities as make in his favour, as though they had been argued before us.

II. FACTS OF THE CASE

5. On 24.06.2023 the staff of the Anti-Smuggling Organisation, Hyderabad intercepted upon the National Highway near the By-pass, Hyderabad two oil tankers, TUB-572 (Hino, ten wheeler, chassis number FF173-18728, model 1990) and TTD-275 (Isuzu, ten wheeler, model 1995), each carrying thirty thousand litres of a petroleum product declared upon delivery challans and sales tax invoices of Messrs Reliance Petrochem Industries (Private) Limited to be solvent oil. Samples were drawn under section 199(1) of the Act in the presence of that company's own authorised representative and sent to three laboratories, and upon the claimant's objection a fourth test was conducted. Not one of the laboratories described the product as solvent oil, and two identified it as High Speed Diesel. The adjudicating officer found it to be foreign origin High Speed Diesel and confiscated it outright. That finding is not assailed and is not before us.
6. Both tankers were also referred for forensic examination of the chassis. By examination report No. FSL/FD/OR/V/74/2023 dated 04.07.2023 the Vehicle Examination Unit of the Forensic Science Laboratory, Forensic Division, Hyderabad recorded the chassis number of TUB-572 before chemical treatment as FF173-18728 and, after chemical treatment, as *Self Made / Local Handmade Punched*, and gave the opinion that *the present Chassis No. FF173-18728 is self made / local handmade punched*. The report is signed by the Technician, by the Expert (Vehicles) and by the Incharge Expert, and is referable by number and date to the requisition of the seizing Collectorate.² No adverse finding of any kind was returned upon the chassis of the Isuzu tanker.
7. The goods and both tankers were seized under section 168 of the Act after notice under section 171, and a show cause notice dated 19.07.2023 was issued calling upon the owners and claimants to show cause why they should not be confiscated under clauses (8) and (89) of section 156(1) and section 157(2), for violation of sections 2(s), 16 and 157. Through six dates of hearing no one appeared for the Hino tanker TUB-572, and no reply to the show cause notice was filed on its behalf. Counsel appeared only for Mr. Wahid Ullah, who is described in the Order-in-Original as the claimant of the Isuzu tanker TTD-275, and whose written submission asserts his ownership of that tanker and prays for the release of that tanker alone.

²The show cause notice and the Order-in-Original describe the report as No. FSL/FD/OR/V/75/2023 dated 11.07.2023. The report on the record, and the number given in the departmental reply reproduced in the Order-in-Original itself, is No. FSL/FD/OR/V/74/2023 dated 04.07.2023. The report being on the record and its contents never disputed, the misdescription is of no consequence.

8. By Order-in-Original No. 21 of 2023 dated 15.09.2023 the adjudicating officer dealt with the two tankers separately, and for stated reasons. The Isuzu tanker, against whose chassis there was no adverse finding, was held redeemable at twenty per cent under section 181 read with clause 2(f) of S.R.O. 499(I)/2009 dated 13.06.2009, but the option was granted expressly *subject to condition that the vehicle is already lawfully registered in the country with the relevant Motor Registration Authority*, and was accompanied by a direction to the seizing agency to verify its legal status and to have its chassis lab tested, *In case of adverse findings, necessary action may be taken accordingly*. The Hino tanker, against whose chassis the adverse finding had already been returned, was confiscated outright under section 157(2) read with the same notification. The adjudicating officer thus treated the genuineness of the chassis as the condition precedent to redemption. As we shall show, that is precisely what the law requires.

III. THE IMPUGNED ORDER

9. Before the learned Tribunal the first respondent appeared as claimant of the Hino tanker TUB-572. The appeal was heard on 11.01.2024 and decided on 18.01.2024, and was disposed of in five short paragraphs.
10. At paragraph 6 the learned Member recorded that the Departmental Representative had filed no parawise comments, and that *Learned counsel for the appellant conveyed willingness to pay redemption fine if departmental would release the vehicle, exercising his option in terms of Section 181 of the Customs Act, 1969*. At paragraph 7 he referred to the dismissal of a petition for leave to appeal in *Collector of Customs v. Muhammad Maqbool*, said to establish *that forensic reports were not reliable source of determination of genuineness or otherwise*, and to two orders of this Court. At paragraph 8 he reproduced a passage from *Muhammad Jamal Rizvi*³. At paragraph 9 he concluded, in a single sentence, that *the import of FSL is insufficient to detain or seize the subject vehicle, inter alia on the ground that the said vehicle is tampered*, and allowed redemption at twenty per cent.
11. The order does not, however, record a finding upon either of the two matters which appear to us to be decisive: whether the forensic report had in fact been answered by the appellant, and whether a vehicle bearing a self made chassis number is capable in law of being redeemed under section 181. The reasoning proceeds upon the sufficiency of the forensic report alone.

IV. THE STATUTORY SCHEME

12. Section 2(s) of the Act defines smuggling to include the bringing into Pakistan, in breach of any prohibition or restriction for the time being in force or evading payment of customs duties or taxes leviable thereon, of any goods by any route other than a route declared under section 9 or 10, or from any place other than a customs station.

³*Federation of Pakistan through Director General of Intelligence and Investigation-FBR, Karachi v. Muhammad Jamal Rizvi* [2012 PTD 90].

13. Clause (89)(i) of section 156(1) attaches the penalty of confiscation where a person, **without lawful excuse, the proof of which shall be on such person**, acquires possession of, or is in any way concerned in carrying, removing, depositing, harbouring, keeping or concealing, or in any manner dealing with smuggled goods or any goods in respect of which there may be reasonable suspicion that they are smuggled goods. The words emphasised are the key to this case. The statute does not merely permit an adverse inference against the person found carrying smuggled goods; it places upon him the burden of proving a lawful excuse. Section 187 is to like effect, placing upon a person who asserts lawful authority the burden of proving it. Section 157(2) provides that every conveyance of whatever kind used in the removal of any goods liable to confiscation under the Act shall also be liable to confiscation.
14. Section 181 provides that whenever an order for the confiscation of goods is passed the officer passing it *may* give the owner an option to pay a fine in lieu of confiscation. The first proviso, however, provides that *the Board may, by an order, specify the goods or class of goods where such option shall not be given*. The discretion is therefore not at large. It is a discretion which the Board may withdraw altogether in respect of specified goods or classes of goods, and where the Board has withdrawn it neither the adjudicating officer nor any appellate forum exercising his powers may confer it.
15. The Board has exercised that power by S.R.O. 499(I)/2009. Its preamble directs that no option shall be given in respect of, among other things, (a) smuggled goods falling under clause (s) of section 2, and (b) lawfully registered conveyance found carrying smuggled goods in false cavities or being used exclusively or wholly for transportation of offending goods under clause (s) of section 2. The proviso to the preamble, read with entry 2(f) of the Table, fixes a redemption fine of twenty per cent in the case of a lawfully registered conveyance not covered by clause (b) of the preamble which is found carrying offending goods under section 2(s). Outright confiscation, with no option at all, thus attaches to the smuggled goods themselves and to a lawfully registered conveyance used exclusively or wholly to carry them; and in every case in which the option is available at all, the notification predicates it upon the conveyance answering the description of a lawfully registered conveyance.
16. That expression is not a formality, and the whole of this case turns upon it. A motor vehicle is registered under the Provincial Motor Vehicles Ordinance, 1965 by reference to, among other particulars, its chassis and engine numbers. The chassis number is the identity of the vehicle; the registration book is no more than an official record of a vehicle so identified. Where, therefore, the number borne upon the frame is not the number given to the vehicle by its manufacturer but a number self made and locally punched upon it, the vehicle standing before the forum is not the vehicle described in the registration record. A registration certificate procured upon the strength of a fabricated identifying number does not convert the vehicle into a lawfully registered conveyance; it shows only that the registration is itself the product of the fabrication.

The claimant who tenders such a certificate does not answer the forensic finding. He demonstrates its consequence.

17. Section 182 provides that confiscated goods vest forthwith in the Federal Government, with a proviso permitting the Board to authorise the use of confiscated vehicles for operational purposes. That the Board understands the position as we have stated it appears from Customs General Order No. 04 of 2026 dated 27.03.2026, which prescribes the procedure for the use and disposal of confiscated vehicles with tampered chassis numbers, permits their sale only to Government and semi-Government departments and to Government owned educational, medical and scientific institutions, and directs in terms that *Tampered vehicles shall, in no case, be sold to any individual in personal capacity*. That Customs General Order post-dates the impugned order and we do not rest our decision upon it. We notice it only because it confirms that, throughout the scheme of the Act, a tampered vehicle is treated as a thing which does not return to private hands.

V. TAMPERED VEHICLES: THE SETTLED POSITION

18. *Ch. Maqbool Ahmed*⁴ is on all fours with the present case and is, with respect, decisive of it. A jeep was intercepted; its chassis frame was found cut and a piece bearing the present chassis number welded in its place; three laboratories, the third at the claimant's own request and in his presence, confirmed it; and outright confiscation was ordered under clause (89) of section 156(1) read with the Board's notification. The questions proposed to the High Court were, in terms, whether the Tribunal had erred in holding that the vehicle might not be released against duty and taxes, and *whether the learned Appellate Tribunal has fallen in error that he cannot release tampered vehicles against duty and taxes under section 181 of the Customs Act, 1969*. The High Court answered against the claimant and the Supreme Court refused leave, holding that a presumption of truth is attached to the reports of the Forensic Science Laboratories; that the plea of bona fide purchase had no force and had been lawfully declined *because it is case involving a smuggled vehicle with tampered chassis frame and not a case of a smuggled vehicle with non-tampered chassis frame*; and that the outright confiscation was lawfully passed and did not suffer from any illegality.
19. *Noor Muhammad*⁵ carries the matter further. There the forensic report disclosed both that the vehicle was non duty paid and that its chassis had been tampered with, and the plea was that two contradictory reports of the same laboratory were on the record so that the claimant was entitled to a more lenient view. The Supreme Court refused, holding that the claimant had had ample opportunity before every forum below and that *before all fora below he failed to rebut the report of the FSL that chassis number of the vehicle*

⁴*Ch. Maqbool Ahmed v. Customs, Federal Excise and Sales Tax, Appellate Tribunal* [2009 SCMR 226]. S.R.O. 574(I)/2005, applied there, was superseded by S.R.O. 487(I)/2007 and that in turn by S.R.O. 499(I)/2009; for present purposes the provisions are materially identical.

⁵*Noor Muhammad v. Customs Appellate Tribunal, Peshawar* [2020 SCMR 246].

had been tampered with, and that a plea of contradictory reports raised for the first time at the last tier is an afterthought.

20. The present case stands upon a similar, and indeed a stronger, footing. The first respondent did not merely fail to rebut the forensic report; he filed no reply to the show cause notice in respect of this vehicle at all, and no one appeared for it through six dates of hearing. He sought no re-examination, and the contrast with *Ch. Maqbool Ahmed* is instructive, for there the claimant did seek re-examination, the Tribunal in the interest of justice granted it and had the vehicle examined by a third laboratory in his presence, and he still failed. Before the learned Tribunal the first respondent asserted in ground B of his memorandum of appeal that the vehicle was of the make and type of Pak Hino Motors, *which can be verified the original documents from Pak Hino Motors to determine whether its genuine or else*. He never produced those documents and never applied for any such verification. Having himself identified the means by which the finding might have been met, and not having pursued it, it is difficult to see upon what basis the finding could be left out of account.
21. The most recent pronouncement is *Abdul Karim*⁶, upon which learned counsel principally and rightly relied. The Court there was concerned with the protection available to the owner of a vehicle whose title is traceable to a Government auction or to a verified registration book, and held that where the period prescribed by section 211(2) has elapsed the defence of lawful excuse is indefeasible. That protection is, however, expressly qualified. At paragraph 22 the Court said:

This principle however is distinguished for the case where vehicles were found with tampered chassis and engine numbers. If this is seemingly done to match the statistics of original vehicles auctioned or brought into Pakistan officially having different chassis/engine number, the lawful excuse may not be applicable in case of tampered vehicle. This would not include those vehicles which were acquired via auction report explicitly disclosing such tampering and tampered statistics. Also at times the engine and chassis numbers are changed which are also excluded from any action, provided it was done with prior permission of the authority under the Motor Vehicles Ordinance, 1965. All this require thorough probe at the end to applicant which again is a question of fact not required to be determined by us afresh.

22. And in its conclusion at paragraph 25:

The conclusion in the above analysis is that the vehicles in question are those which were either auctioned or were brought into Pakistan and were registered through a statutory process and that the auction papers or registration papers of some other vehicles are not being used fraudulently, however, where it is established that the chassis/engine numbers have been tampered with after auction or registration to match the description of the auctioned or registered vehicle, the lawful excuse is not available.

23. Two things follow. The first is that the immunity which registration confers is the immunity of a genuine registration, and is withdrawn in terms where the identity of the vehicle has been falsified. The second is that the Supreme Court itself identified the only

⁶*The Intelligence Officer, Directorate of Intelligence and Investigation, FBR v. Abdul Karim* [2025 SCMR 969], decided on 17.04.2025.

two situations in which a tampered vehicle escapes that withdrawal, namely where the vehicle was acquired through an auction report which explicitly discloses the tampering, and where the numbers were changed with the prior permission of the authority under the Motor Vehicles Ordinance, 1965. Neither was pleaded at any stage in the present case. The Court added that all of this requires *thorough probe at the end to applicant*, which is to say that the burden of bringing himself within the exception rests upon the claimant.

24. We are mindful of what was further held in *Abdul Karim*, that *lawful excuse* is an expression of wider import and lesser burden than *lawful authority*, and that what must be shown to be lawful is the excuse put forward rather than the handling of the goods. That does not assist the first respondent. Even upon the lesser standard an excuse must be put forward and must be shown to be lawful. The only excuse put forward here was a registration book, and a registration book derived from a self made chassis number is not a lawful excuse within paragraph 22 of that judgment but the very thing which that paragraph excepts.
25. This Court has itself decided the point. In *Aurangzaib*⁷ a Division Bench was seised of a reference against an order of the Customs Appellate Tribunal releasing, against a fine of twenty per cent under the same S.R.O. 499(I)/2009, a vehicle confiscated as smuggled, non duty paid and bearing a tampered chassis number. The facts are indistinguishable from those before us. This Court held that the forensic report demonstrated the tampering, that the Tribunal had dealt with the issue in a perfunctory manner and had merely relied upon the registration of the vehicle, which was unsubstantiated by the record and could not absolve a subsequent purchaser from liability, and that the notification expressly excludes smuggled items from the relief it grants. The order of the Tribunal was set aside. The observations made in *Aurangzaib* apply with equal force to the order now before us.
26. This Court has also held that while the initial responsibility lies with the person who tampers with a vehicle, a subsequent purchaser must take due care towards ensuring compliance with the requirements of law, failing which he cannot claim to be a bona fide purchaser, his remedy lying in a claim of damages against his vendor, and that a smuggled vehicle with an apparent tampered chassis frame merits outright confiscation.⁸ Nor is the position different when such a vehicle reaches the criminal side, where superdari has been refused upon the footing that a presumption of truth attaches to the reports of the Forensic Science Laboratory and that to permit the use of vehicles with altered chassis numbers would be to sanction the circulation of tampered and unauthorised vehicles upon public roads and would undermine the integrity of the

⁷*Director, Directorate General, Intelligence and Investigation (Customs) v. Aurangzaib* [2021 PTD 1026].

⁸*Director Intelligence and Investigation (Customs) v. Nasir ul Haq* [2022 PTD 1193]; *Umer Zabid Malik v. Federation of Pakistan* [2022 PTD 1112]. See also *Sabibzada Fazal Wabid v. Customs Appellate Tribunal* [2021 PTD 991], where the notification in question was likewise found to exclude vehicles having tampered engines or chassis numbers.

registration system itself.⁹ That last consideration is not a small one, and we respectfully adopt it.

27. We should record, since the department invokes the principle, that it cuts both ways. Where there is no tampering and no breach of the prescribed procedure, confiscation cannot be sustained upon suspicion alone, and the Supreme Court has declined to disturb a release precisely because it was not the case of the department that the rules had been violated *nor that the seals had been tampered with*.¹⁰ The absence of tampering was the reason the confiscation failed there. Its presence is, correspondingly, the reason it must succeed here. And where tampering is established, the consequence prescribed by the statute follows without moderation upon considerations of hardship, a plea that the mis-declaration was not deliberate and that the management had not knowingly acted being no answer.¹¹
28. The law which emerges may be stated in four sentences. A registered vehicle enjoys a presumption of lawful importation. Tampering with the chassis number destroys that presumption, because it destroys the identity upon which the registration rests. Once the Forensic Science Laboratory reports the tampering, the report carries a presumption of truth and the onus lies upon the claimant to rebut it or to bring himself within one of the two exceptions recognised in Abdul Karim. If he does neither, the vehicle stands confiscated outright, and neither hardship, nor bona fide purchase, nor a willingness to pay a fine will entitle him to redemption under section 181.

VI. THE IMPUGNED ORDER IN THE LIGHT OF THE SETTLED LAW

29. It is convenient to begin with the evidentiary value of a forensic report, for that is where the impugned order begins. The law upon the point is not that such a report is of no value. What *Muhammad Jamal Rizvi* decides is narrower. The Court there found that *the FSL report is not specific and creates doubts as whether the chassis numbers of the vehicle were erased for the purpose of theft and or for any other purpose*; that the issue was *not answered in the FSL report* although the Directorate had called upon the laboratory to state the position specifically; and that the report was *silent on queries made by the investigating agency, except that chassis numbers were tampered*. The proposition for which that judgment stands is therefore that a report which is silent upon the queries put to it, and which does not disclose the nature of the interference, will not by itself support a seizure. Read alongside *Ch. Maqbool Ahmed*, where a presumption of truth was held to attach to the reports of the Forensic Science Laboratories, the settled position is that the weight of such a report is to be gathered from its contents.
30. Measured against that test, the report in the present case stands differently. It records the state of the number both before and after chemical treatment; it gives the specific opinion

⁹*Muhammad Zada v. State* [2021 YLR 1415]; *State v. Nisar Ali Khan* [2025 PCrLJ 936].

¹⁰*Collector of Customs, Peshawar v. Messrs New Shinwari Ltd.* [2023 SCMR 1972].

¹¹*Messrs A.C.P. Oil Mills (Pvt.) Limited v. Additional Collector of Customs (Appraisalment)* [2013 SCMR 638].

that the number the vehicle bears is *self made / local handmade punched*; it is referable by number and date to the requisition which called for it; and it is signed by three officers of the Forensic Division. It does not leave open the question whether the number was erased for theft or for some other purpose, but states that the number now upon the frame was not the number given to the vehicle by its manufacturer. The premise upon which *Jamal Rizvi* rests, and upon which the orders of this Court reproduced in the impugned order expressly rest, namely that *there has been no specific FSL Report*, is therefore absent here; and a precedent being an authority for what it decides upon the facts on which it decides it, the conclusion which those authorities support does not follow upon these facts. The impugned order proceeds upon the broader footing that a forensic report is insufficient irrespective of its contents, and that footing is not, with respect, the one which the authorities lay down.

31. The same may be said of the reliance placed upon the refusal of leave in *Collector of Customs v. Muhammad Maqbool*. It is settled that an order refusing leave, unaccompanied by reasons, concludes the case between the parties but does not declare the law within the meaning of Article 189 of the Constitution. The proposition attributed to that order, that forensic reports are not a reliable source for the determination of genuineness, therefore cannot be set against the reasoned pronouncements in *Ch. Maqbool Ahmed* and *Noor Muhammad*, which hold to the contrary and which bind us.
32. Before coming to the option, it is right to note the footing upon which the liability of the conveyance rested. The tanker was intercepted upon the National Highway carrying thirty thousand litres of smuggled High Speed Diesel, a fact found upon four laboratory reports and never challenged. Upon that finding the liability of the conveyance under section 157(2) and clause (89) of section 156(1) was complete. The condition of the chassis was therefore material not to whether the vehicle was liable to confiscation, which it plainly was, but to the distinct and later question whether the indulgence of section 181 was open at all.
33. There is then the anterior question, and it is the one which weighs most with us. The law governing the availability of the option under section 181 has been set out in Section IV above. The discretion is one which the Board may withdraw, and by S.R.O. 499(I)/2009 it has been withdrawn in respect of smuggled goods and of a lawfully registered conveyance used wholly or exclusively to carry them, the option in every other case being confined by the notification to a lawfully registered conveyance. Whether the vehicle answered that description was logically prior to any question of quantum. It does not appear from the impugned order that the question was taken up: section 181 is not examined, its first proviso is not noticed, and the notification is not adverted to, although the Order-in-Original under appeal had rested upon it in terms. The option which came to be extended was, upon the material available, one for which the statutory foundation had not been laid.

34. It is equally settled that a forum which reverses an adjudication upon a question of fact is expected to state the reasons which led it to do so, the duty to give reasons being what distinguishes a judicial determination from an administrative one, what enables the losing party to understand the outcome, and what makes review by this Court possible. The operative reasoning of the impugned order is the single sentence that *the import of FSL is insufficient to detain or seize the subject vehicle*. That records a conclusion, but it does not, with respect, disclose the reasons which led to it.
35. Nor does the law recognise a claimant's willingness to pay as a ground upon which the option may be extended. Section 181 confers a discretion upon the adjudicating officer, exercisable only where the Board has not withdrawn it; it does not confer upon a claimant a right to redeem at a price of his own choosing. Where the option stands withdrawn, the willingness of the claimant does not arise for consideration. In the impugned order that willingness is the only matter personal to the appellant which is recorded.
36. Upon the onus, the position taken by the statute is express. Clause (89)(i) of section 156(1) requires the person concerned in carrying smuggled goods to prove a lawful excuse, and section 187 requires a person asserting lawful authority to prove it. The forensic report being on the record, the burden of displacing it lay upon the claimant. The only material offered in answer was a registration book, which cannot by itself meet a finding that the number upon the frame is handmade, the registration being itself derived from that number. Evidence from the manufacturer, or a further forensic examination, would have met it. Neither was placed before any forum.
37. A forum is also required to satisfy itself that the person invoking it has the standing to do so. Before the adjudicating officer the first respondent's written submission described him as the owner of the Isuzu tanker TTD-275, and it was in that capacity that relief was granted to him, the Order-in-Original recording in terms that no one appeared for the Hino tanker. The registration particulars of TUB-572 issued at Lasbela show Mr. Sikandar Hayat son of Mohammad Ramzan as the registered owner, and he is separately arrayed as the second respondent before us. These matters do not appear to have been taken up.
38. Finally, and by way of observation rather than of criticism, the construction adopted in the impugned order would, if generally followed, sit uneasily with the object of clause (89) of section 156(1) and of section 157(2), and would return to the public highway a vehicle whose identifying number is, upon the material on record, not the number given to it by its manufacturer. It is not without significance that the Order-in-Original had itself directed that an adverse forensic finding upon the chassis of the other tanker would attract necessary action, and that the vehicle presently in question is one in respect of which such a finding had already been returned.

VII. THE ANSWERS TO THE QUESTIONS

39. The questions proposed, which may be taken together as raising the single issue whether the learned Tribunal was justified in setting aside the outright confiscation of the Hino oil tanker TUB-572 and in releasing it against a redemption fine of twenty per cent notwithstanding the forensic finding upon its chassis, are answered as follows.
40. Question (a) is answered in the **negative**, in favour of the applicant Collectorate and against the respondents. A vehicle bearing a tampered chassis number is not a lawfully registered conveyance within the meaning of S.R.O. 499(I)/2009 dated 13.06.2009, and no option to pay a fine in lieu of confiscation is available in respect of it under section 181 of the Act, unless the claimant brings himself within one of the two exceptions recognised in *Abdul Karim*, namely an auction report explicitly disclosing the tampering, or a change made with the prior permission of the authority under the Provincial Motor Vehicles Ordinance, 1965.
41. Question (d), which is the obverse of question (a), is answered in the **affirmative**, in favour of the applicant Collectorate. The report of the Forensic Science Laboratory ought not, with respect, to have been left out of account. A presumption of truth attaches to such a report, the onus of rebutting it lay upon the claimant, and the authorities relied upon concerned reports which were sketchy, non-specific and silent upon the queries put to them.
42. Question (b) is answered in the **affirmative**, in favour of the applicant Collectorate. Question (c) is answered in the **affirmative** to the extent that the learned Tribunal was under a duty to satisfy itself that the appellant before it had the standing to claim the vehicle, and that duty does not appear to have been discharged; in view of our answers to the other questions it is neither necessary nor appropriate to record any final finding upon the ownership of the vehicle, and we refrain from doing so.
43. Since the impugned order stands reported, and the propositions attributed to it in the headnote may come to be relied upon elsewhere, we consider it appropriate to state that the law upon the point is as set out in Section V above, and that the propositions that forensic reports *were not reliable source of determination of genuineness or otherwise* and that such a report *cannot be considered as conclusive proof to establish the charge of smuggling on allegation regarding tampered chassis number*, do not state that law correctly, and ought not to be followed.

VIII. ORDER

44. The reference is answered in the terms set out above, in favour of the applicant Collectorate and against the respondents. The judgment dated 18.01.2024 passed by the Customs Appellate Tribunal, Bench-III, Karachi in Customs Appeal No. H-05 of 2024 is set aside in so far as it permits the redemption of the Hino oil tanker bearing registration number TUB-572, and Order-in-Original No. 21 of 2023 dated 15.09.2023 is restored to that extent. The confiscation shall take effect in accordance with sections 182 and 187A of the Act and such instructions as the Federal Board of Revenue may

have issued for the use and disposal of confiscated vehicles with tampered chassis numbers.

45. Let a copy of this judgment be sent under the seal of this Court and the signature of the Registrar to the Customs Appellate Tribunal, Bench-III, Karachi in terms of sub-section (5) of section 196 of the Act, whereupon the order of the learned Tribunal shall stand modified accordingly. The reference application stands disposed of in the above terms, with no order as to costs.

J U D G E

J U D G E

Karachi, Dated: 17th day of September 2026

AYAZ PS.