

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No.196 of 2025

Applicant : Abdul Ghani
through Syed Ahmed Ali Shah,
Advocate

Respondent : The State
Through Mr. Sardar Ali Solangi,
Deputy Prosecutor General, Sindh.

Date of hearing : 12.03.2025

Date of order : 12.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Criminal Misc. Application, the applicant has impugned the orders dated 20.12.2024 and 24.01.2025 respectively passed by learned Xth Additional Sessions Judge, Karachi-West wherein the applicant Abdul Ghani filed application under Section 516-A Cr.P.C for release of the vehicle bearing registration No.JZ-7556, Engine No.S-188838, Chassis No.201087, Make Mazda Model-1980. After hearing the parties, the same was dismissed. Being aggrieved the applicant has filed this Crl. Misc. Application.

2. Per learned counsel, that the subject vehicle have not committed an offence but the said Rickshaw rashly and negligently hit the subject vehicle; resultantly passengers were injured. He submits that the subject vehicle is available at Police Station from 12.09.2024 without care and protection. The applicant is ready to submit surety and the vehicle may be released on *Supardari* basis as the applicant is the last possessor of the subject vehicle.

3. On the other hand, learned Deputy Prosecutor General supported the impugned order.

4. Heard and perused the record.

5. From perusal of record, it reflects that the applicant filed application under Section 516-A Cr.P.C which was dismissed by learned trial court on the ground that the applicant has not produced the driving licence of the driver who was driving the subject vehicle; therefore, the legal competency of the vehicle is doubtful. Further, shows that the subject vehicle is not a commercial vehicle but the applicant failed to produce fitness certificate.

6. From perusal of Section 516-A provides a mechanism to the criminal court for restoration of temporary custody and disposal of seized property pending before the trial court, when an offence appeared to have committed in respect of any property or when the property appeared to have been used for the commission of any offence.

7. In view of the above, the impugned order is set-aside. The instant Application is **allowed**. The applicant is directed to furnish a solvent surety in the sum of Rs.200,000/- (Rupees Two Lac Only) with P.R. bond to the satisfaction of the learned trial Court. Once the surety is submitted, the trial court is directed to issue the releasing order of the vehicle. The applicant is directed to produce the vehicle on each and every date of hearing when evidence is to be recorded.

8. The instant Criminal Misc. Application is disposed of alongwith pending application(s).

JUDGE

Hyder/PA