

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Rev. Appln No.33 of 2025

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Date:           Order with signature(s) of the Judge(s)  
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For Hearing of Case.

18<sup>th</sup> May, 2026.

Mr. Muhammad Ayoub Chaniho advocate for the applicant.  
Ms. Seema Zaidi, Addl. P. G. Sindh.  
Mr. Muhammad Arshad advocate for Respondent No.2/KW&SC.  
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Through the instant Criminal Revision Application, the applicant Muhammad Saleem has assailed the order dated 28.01.2025 passed by learned Additional Sessions Judge-I/MCTC, Malir Karachi in Cr. Misc. Application filed in Sessions Case No.2933/2023, whereby application filed under Section 516-A Cr. P.C. for release of Water Tanker bearing Registration No.E-9376, Chassis No. FL176-13261, Engine No.11024 Model 1990 (Maker: Hino Truck) was disposed of on the basis of police report stating that the subject vehicle had neither been recovered by police nor was in police custody.

Learned counsel for the applicant submits that the applicant is lawful owner of the aforesaid tanker and criminal proceedings arising out of FIR No.983/2023, P.S SITE Superhighway Karachi, have already culminated in acquittal of the applicant vide judgment dated 28.01.2025 passed by learned Model Criminal Trial Court-I/Additional Sessions Judge-I, Malir, Karachi. He further submits that despite conclusion of criminal proceedings, the subject tanker is still lying parked within the premises of KW&SC Water Purification Plant, C.O.D. Hill, Gulshan-e-Iqbal, Karachi.

Record further reflects that vide earlier order passed by this Court, Mr. Dilawar Hussain advocate was appointed as Commissioner with direction to inspect the premises of KW&SC Water Purification Plant, C.O.D. Hill, Gulshan-e-Iqbal, Karachi and ascertain presence of the subject vehicle. Pursuant thereto, the Commissioner submitted report dated 08.10.2025 alongwith photographs, wherein it has categorically been reported that water tanker bearing Registration No.E-9376 was found

parked within the premises of KW&SC. Relevant portion of the Commissioner report reads as under:-

*"During inspection, the water tanker bearing Registration No.E-9376 was found parked inside the premises of KW&SC Water Purification Plant, C.O.D. Hill, Gulshan-e-Iqbal, Karachi."*

Today, Chief Security Officer, KW&SC / Respondent No.2 submitted its report, wherein it has been stated that the subject tanker was parked at the said premises by police authorities in connection with Crime No.983/2023, P.S SITE Superhighway Karachi and that KW&SC neither claims ownership over the same nor has any objection if custody thereof is handed over to the applicant pursuant to orders of this Court after due verification. Relevant portion of the said report reads as under:-

*"2. It is further submitted that the said tanker was parked at KW&SC premises by the police authorities in its capacity as crime property. KW&SC has neither claimed any ownership nor made any use of the tanker, and the same has remained stationed at the site in an untouched and unused condition."*

*Without prejudice to the foregoing, it is submitted that if this Honourable court so directs, KW&SC is ready, willing and able to hand over the tanker to the applicant, subject to due verification and in accordance with law."*

Learned A.P.G. has not disputed that criminal proceedings against the applicant have already concluded and that the subject tanker is no more required for purposes of investigation or trial.

I have heard learned counsel for the parties and perused the material available on record. Admittedly, the applicant stands acquitted in the criminal case arising out of FIR No.983/2023, P.S SITE Superhighway Karachi. The Commissioner report as well as report submitted by Respondent No.2/KW&SC conclusively establish presence and location of the subject tanker within the premises of KW&SC. Neither the State nor Respondent No.2 has laid any ownership claim over the subject vehicle. The sole basis upon which the learned trial Court disposed of the application under section 516-A Cr.P.C. was the police report denying custody/recovery of the vehicle; however, subsequent reports placed before this Court clearly establish existence and traceability of the subject tanker.

In the present case, admittedly, the applicant has already been acquitted and neither any confiscation proceedings nor rival ownership claim is pending with regard to the subject tanker. Consequently, the

impugned order is legally unsustainable and warrants interference by this Court, as continuance of withholding custody of the tanker from the applicant serves no lawful purpose.

Accordingly, instant Criminal Revision Application is disposed of with observations that the subject tanker bearing Registration No. E-9376, Chassis No. FL176-13261, Engine No.11024 Model 1990 (Maker: Hino Truck) has been found parked within the premises of Respondent No.2/KW&SC, which has already expressed no objection regarding release of the same pursuant to lawful directions/orders. The applicant is at liberty to approach Respondent No.2/KW&SC, in coordination with SHO P.S SITE Superhighway Karachi, for release/handing over of the subject tanker alongwith copy of this order, and the concerned authorities shall consider the same strictly in accordance with law after due verification and completion of necessary formalities.

JUDGE

M.Zeeshan.