

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Miscellaneous Application No.S-248 of 2026

Applicant : Ramzan Ali through Mr. Z.A.Channa,
Advocate

Private respondent No.2 : Saifullah through Mr. Khan Muhammad
Sangi, Advocate.

**The State & official
Respondent No.3.** : Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General.

Date of Hearing : **21-09-2026**
Date of Order : **02-10-2026**

ORDER

TASNEEM SULTANA, J.- Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., applicant Ramzan Ali Rind has called in question order dated 06.03.2026 passed by the learned Additional Sessions Judge-I/MCTC, Khairpur, in Criminal Revision Application No.10 of 2026, whereby his revision arising out of proceedings under Section 523, Cr.P.C. was dismissed, as well as order dated 18.03.2026 passed by the learned Additional Sessions Judge-III, Khairpur, in Criminal Revision Application No.12 of 2026, whereby revision filed by respondent No.2, Saifullah, was allowed and interim custody of one buffalo and two calves was directed to be handed over to him on superdari, subject to the conditions mentioned therein.

2. Briefly, respondent No.2 lodged FIR No.26 of 2026 at Police Station B-Section, Khairpur, under Sections 457 and 380, P.P.C., alleging theft of one buffalo and two calves. Subsequently, six buffaloes and two calves were taken into custody by the police under Section 550, Cr.P.C. The applicant claimed all the recovered cattle, whereas respondent No.2 claimed one buffalo and two calves as the property involved in the aforesaid crime. Both parties approached the learned Magistrate under Section 523, Cr.P.C., but their applications were declined vide order dated 26.02.2026 on the ground that the rival claim regarding ownership required evidence. The revision preferred by the applicant against that order was dismissed on 06.03.2026. Respondent No.2 thereafter sought interim custody of one buffalo and two calves under Section 516-A, Cr.P.C. His application was

initially declined on 02.03.2026; however, his revision was allowed on 18.03.2026, subject to verification of the animals, furnishing of surety and completion of the formalities directed by the revisional Court.

3. Learned counsel for the applicant contended; that the six buffaloes and two calves belonged to the applicant; that the proceedings under Section 550, Cr.P.C. were subsequently prepared; that the description of the cattle initially taken into custody did not correspond with the property mentioned in the FIR; that the two revisional orders are inconsistent with each other; that respondent No.2 had not established his claim over the buffalo and calves; and that both the impugned orders are liable to be set aside.

4. Learned counsel for respondent No.2 submitted; that respondent No.2 had lodged the FIR regarding theft of one buffalo and two calves before the proceedings under Section 550, Cr.P.C.; that during investigation he and the prosecution witnesses identified one buffalo and two calves from amongst the recovered cattle; that those animals were thereafter shown as case property of Crime No.26 of 2026; that the order dated 18.03.2026 merely regulated interim custody and did not determine ownership; and that the property was subsequently handed over after compliance with the conditions imposed by the revisional Court.

5. Conversely, learned Deputy Prosecutor General submitted that the relevant record was produced before this Court during pendency of the instant application; that an inquiry was also conducted pursuant to the directions of this Court; and that the investigation and subsequent record support the identification and delivery of one buffalo and two calves in pursuance of the order of superdari.

6. Heard. Record perused.

7. A perusal of the record shows that the two revisional orders arose out of proceedings of a different nature. The proceedings under Section 523, Cr.P.C. involved rival claims regarding entitlement to the recovered cattle, and the learned Magistrate declined to determine ownership in those proceedings as the matter required evidence. The subsequent proceedings under Section 516-A, Cr.P.C., however, concerned interim custody of one buffalo and two calves shown during investigation as case property of

Crime No.26 of 2026. The two orders, therefore, cannot be regarded as contradictory merely because the relief granted in the subsequent proceedings was different.

8. It further appears from the record that, although six buffaloes and two calves had been taken into custody under Section 550, Cr.P.C., respondent No.2 confined his claim to one buffalo and two calves. The investigation material shows that respondent No.2 and the prosecution witnesses identified one buffalo and two calves from amongst the recovered cattle as the property involved in Crime No.26 of 2026, whereafter those animals were shown as case property of that crime. While allowing interim custody, the revisional Court required verification of the colour and identifying features of the animals, furnishing of surety of Rs.700,000/- with P.R. bond in the like amount, and submission of receipt and photographs regarding their delivery. Pursuant thereto, the learned II Civil Judge and Judicial Magistrate, Khairpur, issued letter dated 27.03.2026 directing the SHO, Police Station B-Section, to hand over one buffalo and two calves to respondent No.2 after compliance with the conditions imposed by the revisional Court. The subsequent material placed before this Court shows that the property was handed over after verification and against receipt.

9. The order under Section 516-A, Cr.P.C. regulated only interim custody of the case property. It neither declared respondent No.2 to be the owner of the animals nor finally determined the competing claim asserted by the applicant. Likewise, any observation regarding ownership contained in the subsequent police inquiry cannot be treated as final adjudication of title. The material available on record, therefore, does not show any illegality or abuse of the process of Court calling for interference with the impugned orders in exercise of jurisdiction under Section 561-A, Cr.P.C.

10. In view of the above facts and circumstances, the instant Criminal Miscellaneous Application is dismissed. It is clarified that the observations made herein are confined to the question of interim custody of the property and shall not be construed as determination of title or ownership of the disputed cattle, which may be determined by the competent forum in accordance with law.

J U D G E

Ahmad