

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

**Crl. Rev. Application No. 199 of 2018**

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DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of cases:

**10.12.2018**

Mr. G.M. Korai, Advocate for applicant.  
Mr. Zahoor Shah, DPG for State.

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Aftabullah, the applicant in these proceedings, has impugned an order dated 6.11.2018 passed by the learned 5<sup>th</sup> Additional Sessions Judge, Malir in Karachi. In terms of the said order it was directed that a trailer bearing number TLX 813 be handed over to the owner of the said trailer subject to his furnishing a solvent surety in the amount of Rs. 10,000,000 (Rupees ten million).

It appears that on 12-10-2018 an F.I.R. bearing number 180 of 2018 was registered under sections 395 and 506 P.P.C. by one Syed Rehman informed the police that his trailer number bearing number TLX 813 had been robbed at gun point along with the goods in it. The trailer was recovered and seized by the police as case property.

The learned trial court has observed in the impugned order that the owner of the trailer is Aftabullah whereby the complainant of the case is Syed Rehman, the person who is said to have purchased the trailer from Aftabullah. It further appears that as Syed Rehman has not paid the sale price in full, the trailer is still in the name of Aftabullah in the government records. Both Aftabullah and Syed Rehman have given their no objection before the learned trial court and again before this court that the trailer may be released to the owner.

It seems unfair that on the one hand the trailer is stolen from its owner while on the other the owner himself is being asked to furnish a surety of Rs. 10,000,000 to take possession of his trailer. Accordingly, the order of the learned trial court is upheld with the only modification that the surety amount to be furnished is reduced from Rs.10,000,000 to Rs. 50,000. The owner and the complainant shall both also swear affidavits that they will comply with the condition of release as directed by the learned trial court. The same will be submitted before the learned trial court.

JUDGE