

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Rev. Application No. 145 of 2018

Applicant : **Syed Usman Khalid**
through Mr. Muhammad Arshad Tariq, Advocate

Respondent : **The State**
through Mr. Zahoor Shah, DPG

Date of announcement: **17th October, 2018**

ORDER

Omar Sial, J.: The applicant Syed Usman Khalid has impugned an order dated 17-8-2018 passed by the learned 8th Additional District & Sessions Judge Karachi East. In terms of the said order, the learned trial court declined to restore interim custody of the applicant's vehicle to him on the ground that the same was used in the commission of a murder.

2. The background to the current application is that the applicant is the owner of a Daihatsu vehicle bearing registration number AXJ-557. It is alleged by the prosecution that the vehicle in question was used by the applicant in disposing of a dead body (which is the subject of crime number 364 of 2017 registered under sections 302, 201 and 34 P.P.C at the Aziz Bhatti police station) of one Nadeem-ul-Hassan Zaidi who was murdered by a friend of the applicant's named Faisal. It is the prosecution case that the applicant assisted Faisal in disposing of the body of Zaidi. The vehicle in question was used to carry the body for its disposal and the applicant is a co-accused in the same case.

3. The learned counsel for the applicant has primarily argued on the ground of ownership of the vehicle. He has placed on record documents that prima facie establish that the applicant is indeed the owner of the vehicle in question. In fact, the ownership of the vehicle is not disputed by the State. In my opinion, the mere fact that a person accused of a crime is the owner of a vehicle used in the crime (in which he himself is an accused) is not a ground in itself to release the vehicle. In the circumstances of the case, the threat of tampering evidence which the prosecution relies upon in support of its case cannot be conclusively ruled out at this stage.

4. In view of the above, the application stands dismissed.

JUDGE