

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Revision Appln.No. D-25 of 2022

For hearing of main case.

1. For orders on office objections at Flag 'A'.
2. For hearing of main case.

31.10.2023.

Alam Sher Bozdar, Advocate for the applicant.
Aftab Ahmed Shar, Additional Prosecutor General.

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YOUSUF ALI SAYEED, J. - The Applicant has preferred the captioned Criminal Revision Application so as to impugn the Order made by learned 1st Additional Sessions Judge (MCTC)/ Judge Special Court (CNS) Ghotki on 04.06.2022 in Special Case No.44 of 2019, dismissing his Application under Section 517 Cr.PC, seeking modification of a Judgment dated 09.09.2020 to the extent of restoration of a vehicle that was part of the case property, of which he claimed to be the owner.

2. A perusal of the record reflects that the Judgment in question has been rendered by a learned Division bench of this Court in Criminal Appeal No. D-20 of 2020 so as to set aside the conviction recorded by the learned trial Court against one Muhammad Ramzan Mahar in the aforementioned Special Case, but the property order passed had been maintained. In that backdrop the learned trial Court was pleased to dismiss the Application while observing that:-

“A perusal of case file shows that accused Muhammad Ramzan was tried by this Court in the instant case and on conclusion of trial, he was convicted vide judgment dated 19.03.2020. The property viz. Car, being used in trafficking of Narcotic Substance was confiscated in favour of Government in terms of Section 32(2) of CNS Act 1997 and it was directed to be auctioned and proceeds thereof was ordered to be deposited in Govt. treasury. Accused Muhammad Ramzan has impugned such judgment before Honourable High Court of Sindh, Bench at Sukkur, in criminal appeal No.D-20 of 2020, which was allowed and was acquitted of the charge vide judgment dated 09.09.2020. However, the property order passed by this Court was maintained. In these premises, when the Honourable High Court of Sindh, Bench at Sukkur has been pleased to maintain the property order passed by this Court on 19.03.2020, hence application for modification of such judgment dated 09.09.2020 passed by Honourable High Court of Sindh, Bench at Sukkur, before this forum is not maintainable.”

3. On query posed to learned counsel as to how the Application for modification of the Judgment rendered by this Court had been maintainable before the lower forum and what error or infirmity afflicted the impugned Order, no cogent response was forthcoming.
4. Indeed, under the given circumstances, we concur with the assessment of the learned trial Court and see no illegality in the impugned Order, and dismiss the Revision Application accordingly.

JUDGE

JUDGE

Irfan/PA