

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
**Cr. Rev. Application No.S-36 of 2023**

Order with signature of Judge

Date

1. For orders on office objection at flag `A`
2. For hearing of main case

**27.06.2023.**

Mr. Qurban Ali Malano, Advocate for applicant.  
Mr.Imran Mobeen Khan, Assistant Prosecutor General

**ORDER**

**AMJAD ALI BOHIO,J-** Through this application u/s 435 and 439 Cr.P.C., the applicant has assailed the vires of order dated 29.04.2023, passed by the Court of Additional Sessions Judge-I, MCTC, Sukkur whereby he dismissed the application u/s 516-A, Cr.P.C., filed by the applicant for restoration of the case property viz. Car Toyota Corolla, Sallon, Model 2007 bearing Engine No.1801921, Chassis No.6059093, on superdari basis.

2. As per facts of F.I.R., bearing Crime No.41/2023 lodged by ASI Ahsan Ali Shaikh, the accused nominated have fired upon Ali Akber Solangi, Mst. Zeenat, her daughter Umme Kulsoom and Advocate Farzana who were sitting in the aforementioned vehicle at the time of occurrence, for which, the applicant earlier moved application u/s 516-A, Cr.P.C., before the Court of I-Additional Sessions Judge, Sukkur which was dismissed vide impugned order. The report in Cr.Misc. Application No.13/2023 on application of the applicant was called by the trial court which was submitted by the Deputy Director & Sr.ETO-II, Motor Registration Authority (Wing), Excise, Taxation & Narcotics Department, Sukkur available with R&Ps of Cr.M.A.No.13/2023 showing Muhammad Bilal Khan being its owner and the same was sold out to the applicant Shoukat Ali Makwal on installments basis and receipt dated 08.03.2023 was also submitted before the trial court. The applicant has also shown the original Registration Book in his name with regard the vehicle bearing Registration No.ANA-271, vide Registration Book No.654392 (seen and returned). Accordingly the ownership of the vehicle in favour of the applicant is not disputed.

3. Learned APG conceded to the above application as the vehicle was not used for committing any offence.

4. I have perused the record and heard the counsel for both parties. The original Registration Book of the Car bears the name of applicant Shoukat Ali as the owner of the car. There is no other claimant of the car so far. The victims at the time of alleged incident in above crime were sitting inside the car and admittedly the same is not involved to have been used for committing any offence. The reliance is placed upon the case of Jamal uddin Ahmed v. Muhammad Maqbool and 2 others (2011 P.Cr.L.J 1513) [Karachi] wherein it is held that the applicant is in possession of original documents of ownership including Registration Book of the subject vehicle is entitled for the custody of the said vehicle particularly when no other claimant has come forward before the court for such purpose. It was also held that there seems no justification for the police to keep custody of the subject vehicle as there is likelihood that the same will be misused, damaged and deteriorated.

5. Accordingly to consider the facts of case of Rao Muhammad Talha v. The State (2001 YLR 1371 DB) [Karachi] the application in hand is allowed as prayed subject to furnishing surety in the sum of Rs.400,000/- (Four Hundred Thousands Rupees) and P.R bond in the like amount to the satisfaction of trial Court. The Crl. Revision stands disposed of.

JUDGE

Akber.