

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Revision Application No.D-30 of 2024

Date	Order with signature of Judge
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1. For orders on office objections
2. For hearing of main case.

26.11.2024

Mr. Jamshed Ali Khan, Advocate for the Applicant
Mr. Shafi Muhammad Mahar, DPG

Through this Cr. Revision Application, the Applicant has impugned the order dated 03.08.2024, passed by learned Additional Sessions Judge-I/ Special Judge for CNS/ MCTC, Khairpur, whereby an application filed by the applicant under Section 516-A Cr.P.C for restoration of vehicle, which was seized in Crime No.71/2024 of P.S Baberloi, for an offence punishable under Section 9(d) of CNS Act, 1997 (amended 2022).

The applicant claims that the vehicle in question, which was seized in connection with the aforementioned crime and is currently parked in the police station's parking area, has been improperly used by the concerned officials. The applicant asserts that he possesses evidence to substantiate this claim, specifically through the vehicle's tracker records. Furthermore, the vehicle has sustained visible body damage, and its current parking location is causing further deterioration, negatively impacting vehicle's overall value. Counsel further argues that, as per the FIR, the narcotic substances were not concealed in any secret compartment of the vehicle but were instead recovered from its trunk. Counsel further emphasizes that at the time of the vehicle's confiscation, a valid and enforceable contract existed between the leasing company and the vehicle's owner, underscoring the legal obligations and rights of both parties.

Learned Addl. PG submits that the allegations leveled by Counsel for the applicant through an application before the trial Court with regard to misuse of vehicle in question was subsequently withdrawn. He further asserts that it is the responsibility of the

concerned police station, where the vehicle in question is parked, to ensure its proper safeguarding. This includes preventing any misuse of the vehicle and ensuring it is stored in a secure location to avoid any damage or loss to the case property until the trial court reaches a decision.

Be that as it may, this application is disposed of with a direction to the concerned trial court to take custody of the vehicle in question, ensure its safe storage using all practical measures, and document its condition through photographs at the time of receipt. The trial court is further directed to decide the matter in accordance with the law, preferably within one month from the date of receipt of this order. The concerned SHO is directed to issue a certificate confirming that the confiscated vehicle was parked on the premises with due diligence and proper care. This duty of care is essential to safeguard the interests of both parties: the accused, to whom the vehicle may be returned if the trial results in acquittal as well as for prosecution, who rely on to the state of the vehicle to substantiate their claim for prosecution.

With these directions, instant Cr. Revision Application stands disposed of accordingly.

JUDGE

JUDGE

Faisal Mumtaz/PS