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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.S-915 of 2013.

DATE OF HEARING 14.4.2014.	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For orders on office objection.
2. For Katcha Peshi.

Mr. Ahmed Hussain Khoso, advocate for the petitioner.

Mr. Abdul Rasheed Soomro, State Counsel.

Through the instant Constitutional Petition, petitioner Zamanullah alias Ashraf Zaman has prayed for the following reliefs :

- a) *That this Honourable Court may graciously be pleased to direct the respondent No.1 to handover the car to the petitioner without further delay in original shape.*
- b) *That this Honourable Court may graciously be pleased to direct the respondent No.4/DIG Police Larkana to get the enquiry through officer not below the rank of ASP against the respondent No.1.*
- c) *That this Honourable Court may graciously be pleased to direct the respondent No.4/DIG Police, Larkana for taking departmental action against the respondent No.1 who misused his official powers in his personal matter.*

Notices were issued to the respondents as well as Addl. A. G.

Learned advocate for the petitioner referred to the order dated 11.12.2013 passed in Criminal Case No.258/2013, re State Vs. Mukhtiar & others, arising out of Crime No.86/2013, registered at P.S Civil Line, Larkana, under Sections 489-F, 506/2, PPC, whereby the learned Incharge III-Civil Judge & Judicial Magistrate, Larkana passed the following order :-

"11.12.2013.

Matter called. The applicant and his counsel present. ADPP is present. Arguments heard. Since the counsel for applicant has also raised ground in the application that the applicant has also filed C.P.No.915/2013 dt: 26-10-2013 Re Zammanullah alias Ashraf Zaman versus Inspector Pervez Ali Mithani and others before Honourable High Court of Sindh, Circuit Court Larkana and has enclosed Photostat copy of such petition. I have perused such petition in which the applicant has prayed for handing over to him the Car in question, therefore this application is kept in abeyance until

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the petition is adjudicated upon by the Honourable High Court."

Learned advocate for the petitioner submitted an application before Civil Judge and Judicial Magistrate for return of Car during pendency of case, it was kept in abeyance due to pendency of this petition. Counsel for the petitioner submits that he would not press the instant petition if directions are issued to the trial Court to decide the pending application. Therefore, trial Court is directed to decide an application under Section 516-A, Cr.P.C after hearing both parties, strictly in accordance with law.

Instant Constitutional Petition is accordingly disposed of.

14.4.2014
JUDGE