

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Constitution Petition No. D-54 of 2026

(Muhammad Rasheed and another v. Deputy Commissioner Karachi West
and another)

Petitioner : Through Ch. Muhammad Saeeduzzaman,
Advocate

Respondents : Through M/s. Hakim Ali Shaikh and Sageer
Ahmed Abbasi, Additional Advocates
General, Sindh alongwith SIP Muhammad
Afzal, PS Iqbal Market, Karachi

Date of hearing : 29.01.2026

Date of judgment : 29.01.2026

JUDGMENT

Muhammad Saleem Jessar, J:- Through instant petition the petitioner
has come forward with the following prayers:-

- a. To set aside the order passed by the IIIrd Judicial Magistrate at Karachi West dated 17.10.2025 in Cr. Misc Application No NIL/2025.
- b. To set aside the direction passed by Ombudsman for Removal of the Machinery of the Petitioners from Plot bearing Nos 373 and 1914 situated at Sector 11, Baba Willayat Shah Colony, Orangi Town, Karachi as the Respondent No. 8, 9 & 10 before filing the complaint with the Ombudsman approached to the Honourable IIIrd Judicial Magistrate at Karachi West.
- c. To suspend the Order of IIIrd Judicial Magistrate and the Order and direction of Honourable Provincial Ombudsman Sindh through Regional Director Karachi West having office at Keamari, Karachi till the final disposal of this Petition.

2. When confronted as to how this petition is maintainable against the order of Ombudsman and Magistrate passed under Section 133 Cr.PC, counsel submits that the property of the petitioner was illegally sealed and he was not party to the proceedings, his fundamental rights were thus violated, hence petition is maintainable.

3. Learned Additional Advocate General, Sindh has opposed this petition on the ground that the raid was conducted pursuant to the orders of the Ombudsman and learned Magistrate and the articles seized have already been restored pursuant to the earlier order was passed by this Court.

4. Heard arguments and perused the available record. Petitioner has challenged order dated 26.11.2025 passed by the learned Ombudsman and order dated 17.10.205 passed by the learned Magistrate on an application under Section 133 Cr.PC, the former is an order appealable before the Governor and the latter is an order amenable to the Revisional Jurisdiction of the District and Sessions Court, as such this petition being not maintainable is dismissed with no orders as to costs. The de-sealing orders passed earlier shall remain in the field.

JUDGE
HEAD OF CONST. BENCHES

JUDGE