

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Rev. Application No.S-28 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.
For hearing of main case.
For orders on stay application.

30-04-2026

M/s. Muhammad Saleem Hashmi Qureshi and Zaman Zeb Jatoi,
advocates for the applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.
SIP Mumtaz Khoso, PS Matli, Badin.

JAWAD AKBAR SARWANA, J:- The applicant, Muhib Ali, was implicated in FIR No.80 of 2017 and FIR No.137 of 2017 of P.S. Matli and was subsequently acquitted vide impugned judgment dated 30.01.2019. He is aggrieved that, while passing the said judgment, the learned Additional Sessions Judge, Matli, made certain observations which are contrary to Chapters III and IV of the Sindh Arms Act, 2013, whereby he has been deprived of his license without being afforded an opportunity of hearing before the competent authority.

This matter was instituted in the year 2019, and notices were issued to the respondents. More than seven years have passed, and this Revision Application has remained pending on the docket of this Court. In order to facilitate further proceedings while preserving the rights of all parties, it is evident that Sessions Case No.9 of 2017 did not pertain to the rights of the applicant qua holding a weapon license. However, nevertheless the learned Additional Sessions Judge, Matli, made certain observations/order on page No.9 & 11 of the judgment which are relevant for decision of this case and are reproduced as under:

A |

“According to SIP Mehboob Alam Pahore, he submitted letter to Deputy Commissioner, Badin (Exh.6/C), regarding the person in whose name license of the repeater gun has been issued and Deputy Commissioner, Badin, vide his letter (Exh.6/F) informed that the repeater gun is in the name of accused Mohib Ali, is nothing but lie, as in the clarification letter of Deputy Commissioner, Badin

(Exh.6/F), it is clearly mentioned that the license is issued in the name of accused Mohib Ali but there is no entry of purchase of any weapon in his office record.”

&

B

“Case property viz. Repeater gun No.10217934 and 08 live cartridges are confiscated to the Government and be deposited in the District Armory, Badin after expiry of appeal period. The license in the name of accused Mohib Ali has become doubtful, therefore, the Deputy Commissioner, Badin is directed to cancel the license in the name Mohib Ali after expiry of appeal period. The bag being valueless be destroyed after expiry of appeal period.”

Counsel for the applicant contends that even though the applicant was acquitted, yet the aforesaid observations “A” and “B” in the impugned judgment prejudice the applicant’s right to maintain his weapon license without affording him an opportunity of hearing.

Heard counsel and learned APG. At the outset the above observations “A” and “B” appear to be contrary to the provisions found under Chapters III and IV of the Sindh Arms Act, 2013, which entitle a licensee to an opportunity of hearing before a license is suspended and/or revoked. Admittedly, no such opportunity of hearing was provided to the applicant, who stands acquitted, as the legitimacy of the license was not the subject matter of the trial, yet the applicant/licensee lost his right of hearing by the impugned judgment.

The APG has no objection if opportunity of hearing is provided to the applicant as per the record available with the office of Deputy Commissioner, Badin.

In view of the above, this Criminal Revision Application is allowed in the following terms:

(i) The applicant may file an appropriate application before the competent authority under Chapters III and IV of the Sindh Arms Act, 2013. The observations reproduced hereinabove (Part “A”) shall not influence or prejudice the competent authority while deciding such application. The applicant’s case shall be decided in light of the record available with the office of the Deputy

Commissioner, Badin, on its own merits, independently, with right of recourse available as per law.

(ii) With regard to the "Property Order" with directions issued to the Deputy Commissioner, Badin, for cancellation of the Repeater gun No.10217934 license in the impugned order, for the reasons recorded hereinabove, the "Property Order" concerning the Repeater gun No.10217934 are recalled and set-aside subject to the final decision by the competent authority in terms of Chapters III and IV of the Sindh Arms Act, 2013 provided that the applicant files proper application with the competent authority within sixty (60) days of the order passed today.

The Criminal Revision Application is allowed in the above terms.

J U D G E

Irfan Ali