

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Presents:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Cr.Rev.A.No.167 of 2026

Sarfaraz.....Applicant
Vs.
The StateRespondent

For hearing of main case

07.10.2026

Applicant Sarfaraz present in person.
Mr. Mushraf Azhar, Special Prosecutor, ANF.

ORDER

Muhammad Iqbal Kalhoro, J:- This application has been filed against the impugned order dated 08.07.2026 passed by the Special Court-I CNS, Karachi, whereby application by applicant for restoration of possession of Rickshaw bearing Registration No.AAD-7017 of gray and black color was declined by the trial Court on the ground that same is involved in Crime No.13 of 2026, u/s 6, 9 (1) 3 (C) of CNS Act, 1997 (Amended Act, 2022) of P.S. ANF Gulshan-e-Iqbal, Karachi. The reason cited by the trial Court to dismiss the application is that the definition under section 32 and 74 of CNS Act, purportedly impose prohibition to release of the vehicle pending trial to an associate or a relative or any private individual of the accused.

2. Applicant's counsel is absent and he has argued in person. Our attention has also been drawn to definition of relative i.e. Section 2 (z-b) by the learned counsel in Criminal Revision Application No.191 of 2026 that has been decided today on the same point. As per this provision, relative in relation to an accused means the spouse or any lineal descendants of the accused and includes any other person holding property for or on his behalf. The applicant has argued that he is the actual owner of the vehicle, is the father of the accused.

3. On the other hand learned Special Prosecutor ANF has opposed this application citing a case law reported in PLD 2020 Supreme Court 299.

4. Notwithstanding, we agree with the applicant that in the definition of relative as provided in the CNS Act, 1997 the father does not fall. Except the persons as defined above, no person, insofar as this law is concerned, is relative of the accused, and we cannot read in the father, who is otherwise not provided in the said provisions specifically, to be the one also covered by it. Hence the scheme under section 74 of the CNS Act, 1997 is not prima-

facie applicable to applicant. Furthermore, there is no evidence to show that applicant is either an associate or he is the person who holds property on behalf of accused, as no such evidence or suggestion has been found in the prosecution case.

5. We, therefore, allow this application and restore possession of Rickshaw bearing Registration No.AAD-7017 of gray and black color to the applicant on superdari basis pending trial subject to furnishing a solvent surety in the sum of Rs.200,000/- (Two Lacs) and on submitting the original documents with the trial Court with further directions to produce the vehicle as and when required by the trial Court at the time of evidence. This order shall have effect till pendency of the trial and the trial court would be at liberty to pass final order in respect of all the case properties by way of judgment in accordance with law.

The criminal revision application is accordingly disposed of.

JUDGE

JUDGE