



RESEARCH CENTRE, HIGH COURT OF BALUCHISTAN

COURT: NAQEEBULLAH, JUDICIAL MAGISTRATE

SUBJECT: *Omission of an order regarding case property at the time of acquittal under
Section 249-A Cr.P.C*

DATE: Query Receiving Date: April 16, 2026

Query Responding Date: April 17, 2026

BY: RESEARCH CENTRE

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PROPOSED QUERY

Whether a case property in a criminal case can be disposed of under Section 517 Cr.P.C. where the accused has already been acquitted under Section 249-A Cr.P.C., but the Court, while passing the order of acquittal, has inadvertently failed to pass any order regarding one of the case properties. In such circumstances, whether the order passed under Section 249-A Cr.P.C. can be declared illegal on account of such omission, or whether the said order shall remain intact and valid, and the matter of the omitted case property may subsequently be addressed through appropriate proceedings under Section 517 Cr.P.C

The omission of an order regarding case property at the time of acquittal under Section 249-A Cr.P.C. does not render the acquittal illegal or void. The acquittal stands on its own footing, being a determination of the criminal liability of the accused, whereas the disposal of case property under Section 517 Cr.P.C. is a consequential and ancillary matter. Both operate in distinct spheres. Therefore, a failure to pass an order under Section 517 Cr.P.C. is merely an omission and does not affect the validity of the acquittal order. Furthermore, if the Court inadvertently omits to pass such an order at the time of judgment, the right of the accused or claimant to seek disposal or restoration of property does not extinguish.

The proper remedy in such circumstances is to approach the Court to which an appeal or revision

would ordinarily lie from the Court which passed the order, by invoking its supervisory jurisdiction under Sections 517 and 520 Cr.P.C. These proceedings are independent and of a special nature, empowering the appellate or revisional Court to pass appropriate orders regarding disposal, restoration, or custody of the case property even after conclusion of the trial. Such an order does not amount to review or alteration of the judgment of acquittal, but merely serves to rectify an omission and complete what was inadvertently left undecided. Reliance is Placed on **2018 P Cr. L J 954 Balochistan**. The Relevant part of the judgment is reproduced as under.

8. *Admittedly, this Court while passing the final judgment has not passed any order in the respect of the case properties. According to my humble opinion section 520, Cr.P.C. gives supervisory powers to the Courts of appeal or revision to correct the errors of Court below in respect of the orders passed rider section 517, Cr.P.C., independently of the fact whether or not an appeal or revision in the substantive case is pending. An appeal or revision as such is not contemplated by section 520, Cr.P.C. but the section does give a right to an aggrieved person to approach a Court of appeal or revision by way of an application for redressal of his grievances. Similarly, passing an order in respect of case property, after final judgment at a subsequent stage, does not amount altering, changing or reviewing the final order.*

9. *So far as the contention of the learned APG, regarding the maintainability of instant application as well as question of limitation is concerned, I am of the opinion that it is by now settled that where the case in which an order under section 517, Cr.P.C. was passed is itself pending before a Court of appeal or revision, that Court can modify, annul or alter such an order while exercising powers under section 520, Cr.P.C. But where no such case is pending (like one under consideration) an application lies to the Court, to which appeals or revisions ordinarily lies from the Court which passed the order under section 517, Cr.P.C. The power under sections 517 and 520, Cr.P.C. by an appellate or a revisional Court does not depend on the availability or pendency or an appeal or revision in the original case but it is an independent and substantive jurisdiction by which it is open to the Court of the above description not only to modify, cancel or alter the order but make such other orders for the proper disposal of the property as the facts of the case may require.*
