

(12) (14)

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

CR. MISC. APPLICATION NO. : 1/4 OF 2023
DATE OF INSTITUTION : 29.12.2022
DATE OF TRANSFER IN : 04.01.2023
DATE OF DECISION : 04.01.2023

MUHAMMAD HAYAT S/O ABDULLAH JAAN, R/O ALI KHEL,
ZAKHTAN, DISTRICT ORAKZA

..... (PETITIONER)

-VERSUS-

STATE THROUGH MUHAMMAD YOUNIS SHO, POLICE
STATION, MISHTI MELA

..... (RESPONDENT)

Present: Noor Meer Jaan Advocate for petitioner.
: Umar Niaz District Public Prosecutor for state.

FIR No. 43
U/S: 9 (d) CNSA

Dated: 25.11.2022
Police Station: Mishti Mela

ORDER:

04.01.2023

Superdari petition titled "Muhammad Hayat VS State"
along with record received from the court of learned Judicial
Magistrate/MOD, Orakzai. Register.

DPP, Umar Niaz for the State and Noor Meer Jaan
Advocate alongwith petitioner, present. Muhammad Ameen,
the accused in the instant case, also present. He submitted
affidavit to the fact that he has got no objection, if the vehicle
is returned to the petitioner. Placed on file.

Petitioner, Muhammad Hayat seeks return of Flying-
Coach having registration no. WAA390/Lasbela, engine no.
1641585, model 1988, chassis no. LH6IV0113296 of white
colour taken into possession by the local police in the subject
case FIR, wherein, as per contents of FIR, the complainant

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has recovered 03 packets of chars, each weighing 1200 grams, making a total of 3600 grams from gearbox of the flying-coach in question driven by the accused Muhammad Ameen.


(2). Arguments heard and record perused.

(3). Petitioner seeks return of the vehicle on the ground that he is owner of the vehicle and the same is no more required to the police. It is evident from the record that petitioner is having all the registration documents of the vehicle in his possession. As per affidavit of the accused Muhammad Ameen, he being last possessor of the vehicle, has got no objection upon return of the vehicle to the petitioner. There is no rival claimant. The investigation in the instant case is complete and the vehicle is no more required to the police for further investigation.

(4). Hence, the petition in hand is accepted and the vehicle in question be returned to the petitioner subject to furnishing two surety bonds in the sum of Rs. 100,0000/- to the satisfaction of Judicial Magistrate/MOD to the effect that the petitioner would be bound to produce the vehicle in question as and when required to the court.

(5). File be consigned to Record Room after its necessary completion and compilation.

Pronounced
04.01.2023


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela

