

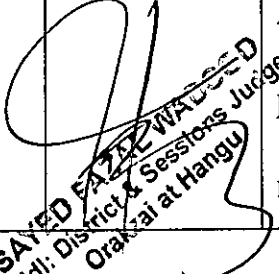
3

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, ORAKZAI, AT BABAR MELA

Superdari Petition No. 03/4 of 2023

Muhammad Ayaz Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	20/02/2023	<p>Petitioner along with counsel and Naid Wali APP for the State are in attendance. Arguments have already been heard; whereas, this is the disposal of Criminal Misc Application for custody and disposal of property pending Trial.</p> <p>Petitioner Muhammad Ayaz son of Esa Khan resident of Qaum Mamozai, Tappa Mir Kalam Khel, Tehsil Upper, District Orakzai is seeking return of Mobile Made Vivo S-1 Skyline Blue Color, IMEI No. (1) 86391040938716 and (2) 863691040938708, taken into possession by local police in case FIR No.28 dated 19-08-2021, registered under Sections 302/34, 382/452, 7ATA/411/148/149 of Pakistan Panel Code, 1860 at Police Station, CTD Kohat.</p> <p>Section-516 A of Criminal Procedure Code, 1898 is dealing the subject of order for custody and disposal of property pending trial. The recovered article is not falling within the definition of "weapon of offence". This fact is admitted by the police and supported by the record available on file as well. The scope of Section 516-A is limited and the Court, in normal course, would restore possession to the party from whose possession the article is recovered and question of title would be left open to be</p>

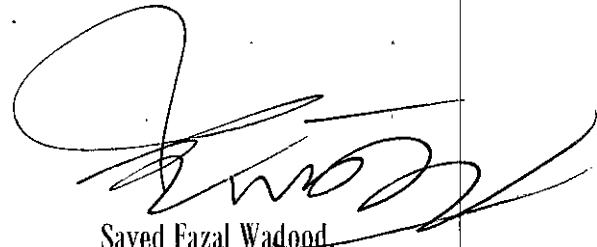

SAYED FAZAL WAHEED
Addl. District & Sessions Judge
Orakzai at Hangu

U

decided by Civil Court. Its theme settled by Law is that proper custody shall be the ultimate goal for which the Court has duly bound to issue order as it thinks fit with simple prerequisite of exercise of discretion judiciously. Perusal of the case record would reveal that in the course of investigation, the Mobile Phone mentioned above was taken into possession by police vide Recovery Memo. At the moment, there is no rival claimant before the Court as well. Further, no useful purpose will be served if the Mobile Phone is retained in the custody of the local police rather it will damage its physical condition. Hence, the same be returned to petitioner by furnishing surety bonds in the sum of Rs.50,000/- (Fifty Thousands); with two sureties; each in the like amount, to the satisfaction of SHO concerned, subject to the condition, that the petitioner shall produce the same during trial, if required. Petitioner is further directed not to dispose of the above mentioned Mobile Phone till disposal of the case.

Record be returned back with copy of this Order. File be consigned to the District Record Room, Orakzai after its completion and compilation within the span allowed for.

Announced in open Court.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela