

**IN THE COURT OF ASGHAR SHAH**  
**SESSIONS JUDGE, ORAKZAI**  
**(AT BABER MELA)**

CRIMINAL REVISION CASE NO. : 1/10 OF 2020  
DATE OF INSTITUTION : 20.02.2020  
DATE OF DECISION : 22.02.2020

SAJID ULLAH S/O KHAN SYED R/O, MISHTI MELA DISTRICT  
ORAKZAI

.....(PETITIONER )

-VERSUS-

STATE THROUGH COMPLAINANT, HABIB NAWAZ S/O  
MEHRBAN KHAN R/O MISHTI LOWER ORAKZAI

..... (RESPONDENT)


**Present:** Saeed Ahmad Advocate, for petitioner.  
: Syed Aamir Shah Additional Public Prosecutor for state.

**FIR No. 47 Dated:** 11.12.2019 **U/S:** 387/365/511/148/149 PCC  
**Police Station:** Lower Orakzai

**JUDGEMENT**  
22.02.2020

In the aforesaid mentioned case, complainant Habib Nawaz has charged accused for attempting to kidnap him besides has taken away one pick-up, two tractors and one tar-coal plant by force. Petitioner, Sajid Ullah submitted an application in the court of Judicial Magistrate-II, Orakzai for the return of his tractor Messi 240, Chassis No. A41892/9/12 registration no. C9432 but the same was turned down by the said court vide order dated 18.02.2020. hence, the revision in hand.

(2)- I have heard the learned counsel for the petitioner and APP for the State and thereby conclude that the complainant in his application submitted to the local police for registration


  
22/02/20  
ASGHAR SHAH  
District & Sessions' Judge  
Orakzai at Hangul

of the case has categorically mentioned therein that the tractor in question belong to Sajid Ullah besides he submitted an affidavit in the court of Judicial Magistrate-II, Orakzai showing no objection on the return of tractor in question to the petitioner, Sajid Ullah. Moreover, at the moment investigation with regard to tractor in question is complete and the same is no more required for further investigation. Also, there is no rival claimant of the tractor in question at the moment and the original documents of the same are in possession of the petitioner. Original documents seen and returned whereas photo copies of the same are placed on file.

(3). Therefore, for the stated reasons above, the revision in hand is accepted, impugned order of the Judicial Magistrate-II is set aside and tractor in question is hereby return to the petitioner, Sajid Ullah on bail subject to furnishing bail bonds in sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of Judicial Magistrate/MOD concerned. The court of Judicial Magistrate/MOD after attestation of bail bonds may also issue release order of the tractor in question. The petitioner will be bound not to dispose off the tractor in question till the conclusion of the case and to produce the same as and when required.

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

**Announced**  
22.02.2020

  
ASGHAR SHAH  
Sessions Judge,  
Orakzai at Baber Mela  
22/02/20

**CERTIFICATE**

Certified that this judgment consists of three (03) pages.  
Each page has been read, corrected where-ever necessary and  
signed by me.

Dated: 22.02.2020



**ASGHAR SHAH**  
Sessions Judge,  
Orakzai at Baber Mela

22/02/20.