

APP, Mr. Zohaib Ahmed for the state.

Mr. Abid Ali Advocate for the Petitioner present.

Mr. Sana Ullah Advocate for the Complainant present. Record requisitioned received. Arguments Heard.

1. This order is to dispose of the instant Superdari Petition filed by the petitioner namely Mr. Saqib Khan S/O Noordad Ali, R/O Hafiz Abad near Iqra School, Jangi Station Kohat through Counsel Mr. Abid Ali Advocate, seeking *Continued.....*

Muhammad Imtiaz  
Civil Judge, Jil-I  
Gakzal (Jalalpur Mulla)  
S.P.

Orakzai  
Continued  
16/09/2019

therein return of Vehicle No: APM9945, Chases No. NZE1206075141, Color Black, Model 2007, Toyota Corolla involved in case FIR No: 27, Dated: 15.08.2019, U/S 324/34/427 PPC of PS: Kalaya, L/Orakzai.

2. As per the record the vehicle in question was taken into possession by the local police in the aforementioned case. Today the petitioner produced the original registration book of the vehicle and photocopy of the same is placed on file. As per the registration book the present petitioner is not owner but he produced the receipt of purchase through Orakzai Bargain and original file, which prima facie makes him the ostensible owner and he stated before the Court that after the purchase of the said vehicle he has not transferred the same in his name as he is running Rent a Car business.

3. He also produced the receipt Dated: 13/08/2019, of vehicle in question through which he has given the said vehicle to one Rasheed Hassan (Complainant) on rent. Which is before the date of FIR.

4. Perusal the record, it also appears that Hon'ble D&SI Orakzai confirmed the BBA of accused on the basis of compromise. Learned counsel for the complainant also affixed no objection on the instant Superdari Petition.

5. As there is no rival claimant and it is no more required to the local police for further investigation. Keeping the vehicle in question parked at the PS: shall serve no purpose but lost to its utility. The instant application is allowed subject to furnishing a surety bond of amount Ra.1500, 000/- (Fifteen Lacs) with two sureties of like amount to the satisfaction of SHO of PS Concerned. The petitioner is not entitled to dispose of the Vehicle in question till disposal of the inquiry/case and he is bound to produce the same when and where it is required to the court. A copy of this order shall be placed on Police file.

6. File be consigned to record room after necessary completion.

Announced  
16.09.2019

MUHAMMAD INTIAZ,  
JUDICIAL MAGISTRATE-II,  
ORAKZAI