

Or 03
19-09-2020

Present:

Petitioner Muhammad Nabi, along with Jabir Hussain Advocate
APP Syed Aamir Shah for State
Fazal Malook, a brother of last possessor Nasir Malook

Petitioner **Muhammad Nabi** s/o Jalil Khan; r/o caste Sheikhan; tapa Bazeed Khel, village Rangeen Khel, Lower Orakzai, is seeking superdari of one motorcar bearing registration no. VRC-7946 (Model 1986, chassis no. EE-807058697, engine no. 2E0553325). The motorcar is in custody of the local police of PS Lower Orakzai, in case FIR No. 96 dated 18-08-2020, u/ss. 302/324/34 PPC.

The facts of the case are; that firing was made on the above-mentioned motorcar, which resulted in death of one person and injury to the driver (Nasir Malook). The motorcar was taken into possession by local police during investigation, vide recovery memo dated 18-08-2020.

The present petitioner claims to be the real owner of the motorcar in question; he is in possession of original registration book and the original return file. (copy of registration book, with petitioner's name as owner, is placed on record).

Arguments heard and record perused. The tentative assessment of which shows that:

1. The petitioner is owner of the motorcar in question.
2. No rival claimant of the motorcar has so far come forward.
3. A brother of a last possessor (injured driver of the motorcar) has appeared before this court and filed affidavit showing no objection of handing over possession of motorcar to present petitioner on superdari. The affidavit has been placed on file along with no objection statement recorded in court.
4. The motorcar cannot be left in police custody for indefinite period.

In light of the above situation the present petitioner is deemed entitled to the superdari of motorcar in question

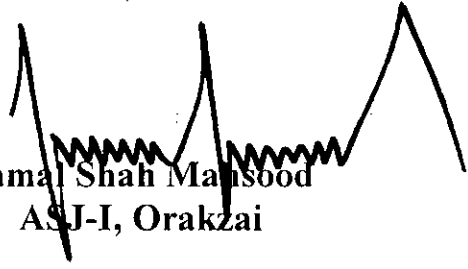
Additional District & Sessions Judge-1
Orakzai

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(7946/VRC). Resultantly, on acceptance of instant petition, the SHO concerned is hereby directed to hand over the motorcar in question to the petitioner, Muhammad Nabi, on superdari, subject to furnishing surety bonds in the sum of rupees 200,000 (two lacs), from two sureties each in the like amount, to the satisfaction of SHO concerned.

The petitioner shall be bound to produce the vehicle before the local police or any court of law, as and when required. The SHO shall keep copy of surety bonds on record of the case. Let copy of this order be placed on record and the same be returned to the quarter concerned. This file be consigned to Record Room after its completion.

Announced
19-09-2020


Jamal Shah Mansood
ASJ-I, Orakzai