

Or 03  
05-10-2020

**Present:**

Petitioner Muhib Nawaz, along with Insaf Ali Advocate  
APP Syed Aamir Shah for State  
Record Received

Petitioner **Muhib Nawaz** s/o Mir Kalam Khan; r/o Saba Khel, Mandan, Bannu, is seeking superdari of one motorcar bearing registration no. U-4809 (Model 1986, chassis no. AA-807085251, engine no. 0662535). The motorcar is in custody of the local police of PS Lower Orakzai, in case FIR No. 93 dated 02-08-2020, u/ss. 392/34 PPC.

The facts of case, according to FIR, are; that the motorcar mentioned above was snatched from the present petitioner by some accused, on account of some money dispute; that later on, the motorcar was produced before the local police by the present petitioner and the same was taken into custody, through recover memo, dated 01-10-2020.

The present petitioner (who is also complainant of the case) claims to be the owner of the motorcar in question; he is in possession of original registration book and the original return file of the car (copy of registration book is placed on record).

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

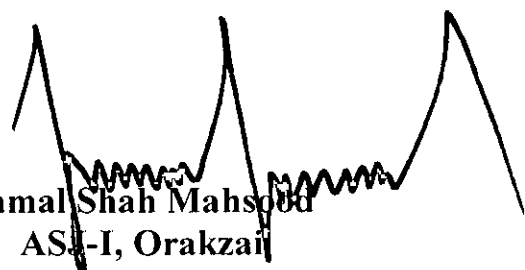
1. The petitioner is owner of the motorcar in question and also the last possessor.
2. No rival claimant of the motorcar has so far come forward.

3. The motorcar is not required to local police for further investigation and it 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 (U-4809). Resultantly, on acceptance of instant petition, the SHO concerned is hereby directed to hand over the motorcar in question to the petitioner, Muhib Nawaz, 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**  
**05-10-2020**

  
**Jamal Shah Mahsood**  
**AS-I, Orakzai**