

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

Superdari Petition No. **8/4** of 2023  
Sharjeel Khan 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	26/04/2023	<p>Case file transferred in from the Court of Hon'ble the District &amp; Sessions Judge, Orakzai upon the application of petitioner on the grounds mentioned therein being justified. It be registered.</p> <p>Petitioner in person along Mr. Sana Ullah Advocate and APP for the State are in attendance. Record received and Arguments heard; whereas, this is the disposal of Criminal Misc Application bearing No. 8/4 of 2023.</p> <p>Petitioner Sharjeel Khan son of Sadaqat Khan resident of Bandi Tehsil, District Hari Pur presently residing in Rawalpindi is seeking return of Motorcar make Suzuki Mehran Model 2016, bearing Registration No. ABF-864/ICT taken into possession by local police in case FIR.No. 38 dated 13.04.2023 registered U/s 17 (3) Harrabah at Police Station Kalaya, District Orakzai.</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". 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 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</p>

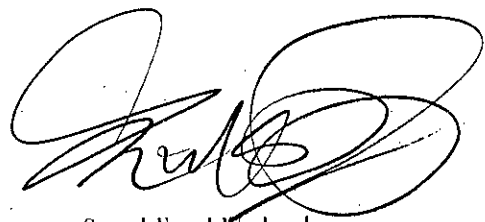
**SAYED FAZAL WADOOD**  
District & Sessions Judge  
Orakzai at Mangla

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of exercise of discretion judiciously. Perusal of the case record would reveal that in the course of investigation, the vehicle mentioned above was taken into possession by police vide Recovery Memo dated 13.04.2023. The petitioner produced the original of documents annexed with the petition (original seen and returned); whereas, photo copies of the documents retained on record. The owner is the father of complainant/petitioner who is before the Court recorded his statement in favour of his son who is last possessor. The CNIC of the recorded owner is Ex.PA, CNIC of the complainant being last possessor is Ex.PB-1 and copy of registration book is Ex.PB. At the moment, there is no rival claimant before the Court as well. Further, no useful purpose will be served if the vehicle 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.500,000/- (five lacs); 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 Motorcycle till disposal of the case.

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

**Announced in open Court.**



Sayed Fazal Wadood,  
AD&SJ Orakzai at Baber Mela