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Order No. 01
17.04.2023

Fresh Superdari petition submitted by counsel. Be registered.

7 - Notice to prosecution and record be requisitioned for 18.04.2023.



(Zahir Khan)
JM-1, Kalaya, Orakzai

Order...02
18.04.2023

APP for the state present. Petitioner along with counsel present. Record received. At the very outset of the arguments, counsel for petitioner submitted application for withdrawal of the petition contending that this court lacks jurisdiction to entertain the petition. Arguments heard and record perused.

Petitioner, namely Sher Jeel Khan S/O Sadaqat Khan R/O Bandha, Tehsil District Haripur is seeking return of Suzuki Mehran bearing registration No. ABF-864 ICI, taken into possession by the local police in case FIR No. 38 dated 13.04.2023 U/S 17 (3) Haraabah (Offence Against Property Ordi: 1979), Police Station Kalaya.

Record reveals that Suzuki Mehran in question was taken into possession by the local police in the above cited case. The offence U/S 17 (3) Haraabah (Offence Against Property Ordi: 1979) is exclusively triable by the court of Sessions, therefore, this court lacks jurisdiction to entertain the Superdari petition in hand, resultantly, the petition stands dismissed. Petitioner may approach proper forum for Superdari of the said vehicle. Record be returned back to quarter concerned.

File be consigned to record room after completion and compilation.

Announced
18.04.2023



Zahir Khan
Judicial Magistrate-I, Tehsil Kalaya,
District Orakzai