

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Petition No..... 44/4 of 2023.

Date of institution.....19.05.2023.

Date of decision.....25.05.2023.

Order...04
25.05.2023

APP for the state present. Petitioner along with counsel present.
Record received. Arguments heard and record perused.

Petitioner, namely Muhammad Ayaz S/O Malak Zarmat Khan R/O Feroz Khel, Tappa Qasim Khel, Tehsil Lower, District Orakzai is seeking return of Tractor bearing No. MF-240, Model 2019, Chassis No. 43651/19/19, Engine No. 730918-E taken into possession by the local police in case FIR No.18 dated 27.02.2023 U/S 324, 337 A(i), 337 F(i)/34 PPC Police Station Kalaya.

Record reveals that tractor in question was taken into possession by the local police in the above cited case and is in the custody of local police of PS Kalaya. Petitioner produced original documents in shape of Letter of Sale/Form H issued by Millat Tractors Limited. Per documents, Millat Tractors Limited company sold the tractor to one Abdul Janan S/O Abdul Manan district Hangu and petitioner purchased the tractor from Abdul Janan in lieu of Rs. 850,000/- vide sale document dated 06.06.2020. Per record, petitioner is the last possessor and there is no rival claimant of the vehicle. Release of the vehicle on superdari to the petitioner will not create any vested right in his favor qua the vehicle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial. The



25/05/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

vehicle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose.

As petitioner produced original documents regarding the vehicle in question and the same is no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the vehicle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 850,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Record be return back to the quarter concerned. Copy of the order be placed on file.

The instant file be consigned to record room after completion and compilation.

Announced
25.05.2023



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