

Suit/Case No.50/4 of 2023, Sorat Khan vs State

Petition No... 50/4 of 2023.

Date of institution... 30.05.2023.

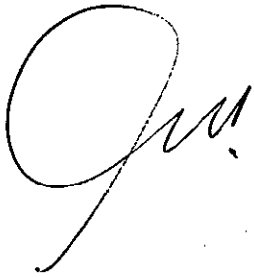
Date of decision... 31.05.2023.

Order...03
31.05.2023

APP for the state present. Petitioner present. Record received. Written arguments on behalf of counsel for petitioner submitted. Arguments heard and record perused.

Petitioner namely Sorat Khan S/O Gul Jan R/O Feroz Khel, Lower Orakzai is seeking return of motorcycle bearing registration number FE-8958, Model 2011, chassis number BJ032972, engine number 7032953 taken into possession by the local police in case FIR No.19 dated 27.02.2023 U/S 279/337-G,427 PPC, Police Station Kalaya. Petitioner produced original registration book. Copy of the same is annexed with the petition. Original seen and returned.

Record reveals that motorcycle in question was taken into possession by the local police in the above cited case. Petitioner produced original registration book in respect of motorcycle in question. Per record, there is no rival claimant of the motorcycle. Release of the motorcycle on superdari to the petitioner will not create any vested right in his favor qua the motorcycle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial. The motorcycle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of motorcycle in question in police custody for indefinite period would also



31/05/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

achieve no useful purpose. The same is no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the motorcycle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 50,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Copy of the order be placed on file.

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

Announced
31.05.2023



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