

Petition No.....51/4 of 2023.

Date of institution.....29.05.2023.

Date of decision.....31.05.2023.

**Order...03****31.05.2023**

APP for the state present. Petitioner present. Record received. Fresh W/N in favor Mr. Asad Ijaz Advocate submitted. Arguments heard and record perused.

Petitioner namely Shehzad Khan S/O Hashim Khan R/O Qaum Abdul Aziz Khel, Tappa Kamal Khel, Lower Orakzai is seeking return of tractor MT-240 bearing registration E-9351, D.I Khan, Model 2016, chassis number 42940-30-16, engine number 711301B taken into possession by the local police in case FIR No.47 dated 01.05.2023 U/S 506/148/149 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 tractor in question was taken into possession by the local police in the above cited case. Petitioner produced original documents in shape of registration book. 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 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



**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

31/05/23

(5)

CJ/JMIC-I, Tehsil Courts, Kalaya, Orakzai

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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 tractor in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 1300,000/- 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