

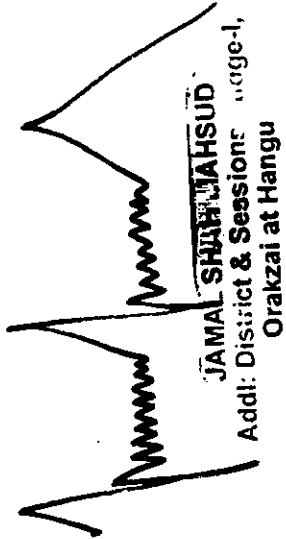
Present:

Petitioner Aslam Khan, along with Abid Ali Advocate
APP Syed Aamir Shah for State.

Record received

Petitioner **Aslam Khan** s/o Jamal Khan; caste Bar Muhammad Khel; tapa Abdul Aziz Khel; r/o village Merazai Lower Orakzai, is seeking return of one motorcycle bearing registration no. 3904 (Model 2018, chassis no. 79028-2, engine no. EA 84999). The motorcycle is in custody of the local police of PS Lower Orakzai, in case FIR No. 59 dated 16-06-2020, u/s 324/337 F(i)/427 PPC & 15 KP-AA.

The facts of the case are; that the petitioner Aslam Khan was riding on the motorcycle mentioned above when he was fired upon and injured by the accused of the case. During investigation the motorcycle was taken into custody by local police through the recovery memo/memo of addition of sections, dated 17-06-2020.


JAMAL SHAH JAHSUD
Addl: District & Sessions Judge-I,
Orakzai at Hangu

The present petitioner claims to be the real owner of the motorcycle; he is in possession of original registration book, registration plates and the original return file (copies are placed on record).

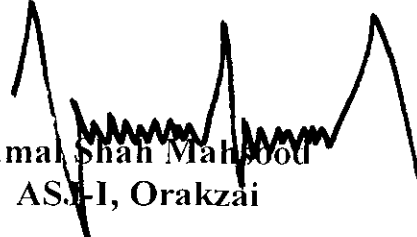
Arguments heard and record perused. The tentative assessment of which shows that:

1. The petitioner is owner and the last possessor of the motorcycle.
2. No rival claimant of the motorcycle has so far come forward.
3. In the present case the motorcycle was required to the local police only for the purpose of investigation. The report in respect of damage to motorcycle and pictures of motorcycle have already been obtained by I.O and are available on file.
4. The motorcycle cannot be left in police custody for indefinite period.

In light of the above situation the present petitioner is deemed entitled to the superdari of motorcycle in question (3904/Bannu). Resultantly, on acceptance of instant petition, the SHO concerned is hereby directed to hand over the motorcycle in question to the petitioner Aslam Khan, on superdari, subject to furnishing personal surety bonds in the sum of rupees 50,000 (fifty thousand) to the satisfaction of SHO concerned.

The petitioner shall be bound to produce the motorcycle before the local police or any court of law, as and when required. The SHO shall keep copy of surety bonds on record of the case. Let copy of this order be placed on record and the same be returned to the quarter concerned. This file be consigned to Record Room after its completion.

Announced
24-08-2020


Jamal Shah Mahsood
AS-I, Orakzai