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IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA

Superdari Petition No. 18/4 of 2023
Waheed Ullah Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	15/07/2023	<p>Petitioner in person present. Arguments have already been heard; whereas, this is the disposal of Criminal Misc. Application bearing No. 18/4 of 2023.</p> <p>Petitioner Waheed Ullah son of Hadi Gul resident of Qaum Mishti Tappa Mamozai, Chappar Mishti, Tehsil Central, District Orakzai is seeking return of Tractor, Model-1999, Chassis No. 0863-55, Engine No. 553740E; taken into possession by local police in case FIR No.17 dated 02.05.2023; registered under Section 381A/411 of Pakistan Panel Code, 1860 at Police Station Kurez Boya, District Orakzai.</p> <p>Section-516 A of Criminal Procedure Code, 1898 is dealing the subject of order for custody and disposal of property pending trial. Its scope is limited and the Court, in normal course, would restore possession to the party from whose possession the article is recovered and question of title would be left open to be decided by Civil Court; but, in present case, the Tractor has been recovered on alleged score of stolen property that cannot be returned to the person/accused. Its theme settled by Law is that proper custody shall be the ultimate goal for which the Court has duty bound to issue order as it thinks fit with simple prerequisite of exercise of discretion judiciously. Perusal of</p>

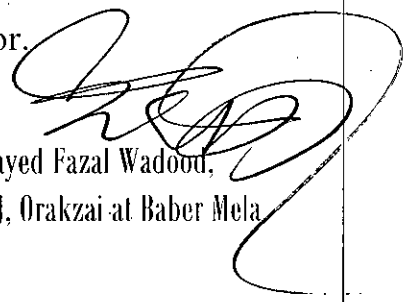

SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hargu

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the case record would reveal that in the course of investigation, the Tractor mentioned above was taken into possession by police vide Recovery Memo dated 26-05-2023. The petitioner produced the original Number Plate and original registration (original seen and returned); whereas, photo copies of the documents retained on record. Further, no useful purpose will be served if the vehicle is retained in the custody of the local police rather it will damage its physical condition. Hence, the same be returned to petitioner by furnishing surety bonds in the sum of **Rs.** 1,000,000 (one million); with two sureties; each in the like amount, to the satisfaction of SHO concerned subject to the condition that the petitioner shall produce the same during trial, if required. Petitioner is further directed not to dispose of the vehicle till disposal of the case.

Record be returned with copy of this Order. File be consigned to the District Record Room, Orakzai after its completion within the span allowed for.

Announced in open Court.


Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela