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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI,
AT BABAR MELA**

Criminal Misc application No.70 of 2020

Tajmeel Vs State

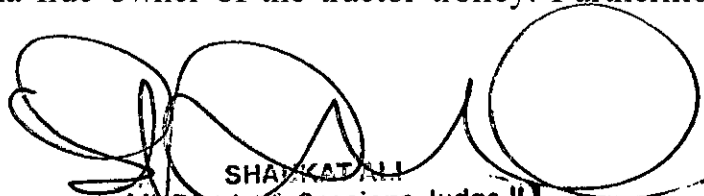
ORDER
08.01.2021

Mr. Auragzeb Khan Advocate, Learned counsel for the petitioner along with petitioner present. Amir Shah APP for the State present.

The petitioner Tajmeel Khan s/o Steel Akbar r/o Qoam Ali Khel, Tappa Sher Khel Tehsil Upper Orakzai through the instant application seeking the return of Tractor Messi MF- 240 Registration No. LES- 10-7514 Chassis No. 41070-40-10, Engine No. 615904-T along with trolley taken into possession by the police of PS Lower Orakzai in case FIR No.36 dated 10-10-2019 U/S 9(d) KP CNSA.

Arguments of learned counsel for the petitioner and APP for the state heard and record peruse.

The record would reflect that the trial in the case against the accused Muhammad Hanif has been concluded and the accused Muhammad Hanif is acquitted as the prosecution could not prove the case against the acquitted accused and in the present trial against the accused Dilawar Shah the tractor trolley has been exhibited. The present petitioner claiming the ownership of the tractor trolley is not accused in the case. The petitioner produced the bargain receipt and original documents of the tractor which shows that the petitioner is the bona fide owner of the tractor trolley. Furthermore there is no


SHAH KATALI
Addl. District & Sessions Judge-II,
Orakzai at Hangu

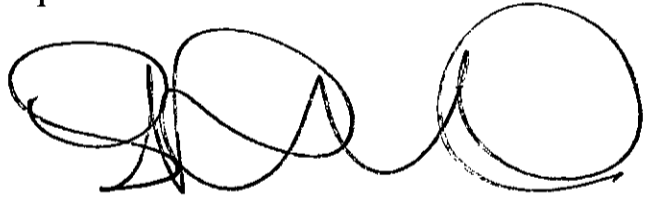
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rival claimant of the tractor and if the tractor trolley remained parked in PS there is a likelihood of its damage. The tractor trolley is no more required in the case therefore to further retain it in the PS it will serve no useful purpose rather there is likely hood of its damage.

In view of the above discussion the petition in hand is accepted and the tractor along with trolley is ordered to be returned to the petitioner subject to furnishing of surety bonds in some of Rs.500,000/- with two sureties each in like amount to the satisfaction SHO PS Lower Orakzai. The petitioner is directed to produce the tractor trolley when it is required before the court or to the local police. Copy of this order along with copy of application be sent to SHO PS concern for compliance.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
08.01.2021



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela