

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI**

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Petition No.....78/4 of 2023.

Date of institution.....02.09.2023.

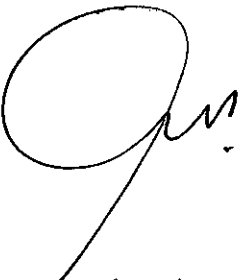
Date of decision.....04.09.2023.

**Order...02**  
**04.09.2023**

Assistant Sub- Inspector (IO) Murtaza present. Petitioners along with counsel present. Record received. IO submitted report to the effect that correct Engine number of tractor bearing registration No. 9144-Kohat is 626299, however, the same is inadvertently mentioned as 08112 MW in the recovery memo dated 29.08.2023. Report is placed on file. He also stated that the vehicles are no more required for investigation. Arguments heard and record perused.

Petitioners, namely Hussain Faqeer S/O Imam Faqeer, Jan Hussain S/O Ahmad Ali and Liaqat Ali S/O Mir Majan all R/O Qaum Mani Khel, District Orakzai are seeking return of Tractors bearing registration Nos. C1152, C9959 Kohat and C9144 Kohat taken into possession by the local police in case FIR No.87 dated 29.08.2023 U/S 506, 427, 186,189,148,149 PPC Police Station Kalaya.

Record reveals that tractors in question were taken into possession by the local police in the above cited case and are in the custody of local police of PS Kalaya. Petitioners produced original documents. Copies annexed with the petition. There is no rival claimant of the vehicles. The vehicles are parked in open space which are likely to be rusted, damaged and deteriorated. Detention of vehicles in question in police custody for

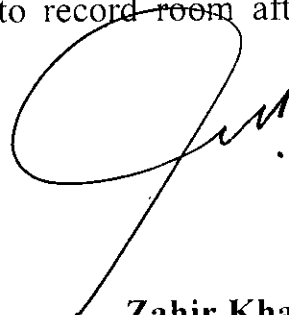
  
04/09/2023  
**ZAHIR KHAN**  
**Civil Judge, IM**  
**Kalaya Orakzai**

indefinite period would also achieve no useful purpose. Release of the vehicles on superdari to the petitioners will not create any vested right in their favor qua the vehicles as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial.

As petitioners produced original documents regarding the vehicles in question and the same are no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the vehicles in question be handed over to the petitioners, subject to surety bonds to the tune of Rs. 1400,000/- each with two sureties to the satisfaction of SHO Police Station concerned. Petitioners shall produce the same as and when required. Record be return back to the quarter concerned. Copy of the order be placed on file.

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

**Announced**  
04.09.2023



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