

3

Court of Additional Sessions Judge, Orakzai at Baber Mela

Case Title

vs

دوسرہ

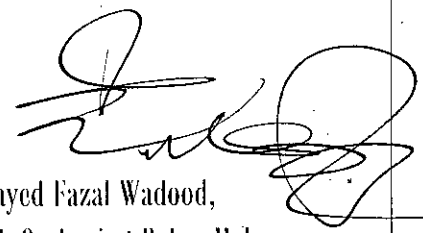
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	24.07.2023	<p>Mr. Khursheed Alam Advocate for petitioner and Umer Niaz DPP for State are in attendance. Comments of SHO PS Kurez Boya received and arguments heard; whereas, this is aimed to dispose of petition for delivery of the remaining items of Tractor already handed over to petitioner on Superdari.</p> <p>Petitioner Wahid Ullah son of Hadi Gul resident of Qaum Mishti, Tappa Mamozai, Tehsil Central, District Orakzai has obtained Superdari of Tractor Model-1999, Chassis No. 0863-55 with Engine No. 553740E from this Court vide Order dated 15-07-2023, passed in Superdari petition No. 18/4 of 2023. He has received the Tractor on the day of Order from Police Station and moved the Court with petition in hand on 19-07-2023. It is in the contents of petition that accused concerned has retained the body, the blade and cultivator of the Tractor which caused financial loss to the petitioner. Return of all such articles is prayer of the petitioner.</p> <p>Comments of SHO of the Police Station Kurez Boya has been asked; wherein, he contended that the Tractor has been seized in FIR No. 17 dated 02-05-2023 registered under Section 381/411 of the Pakistan Panel Code, 1860 in Police Station Kurez Boya. The Tractor on recovery was reflected on recovery memo followed by safe parking within the premises of Police Station. The petitioner had neither disclosed this fact during the investigation nor at the time of receiving the Tractor. The petition is based on mala fide just to grab money and to harass the opponent.</p> <p>Perusal case file reflects that petitioner has already been granted Superdari of vehicle in question. Investigation as well as the recovery memo is silent about the alleged articles. Petitioner had not objected while receiving the Tractor on Superdari. Delay approaching the Court is by itself gives birth to mala fide.</p>

SAYED FAZAL WADOOD
District & Sessions Judge
Orakzai at Hangu

9

In circumstances, petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, copy of this order shall be placed on record of the case.

Announced in open Court.



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