

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT**

**ORAKZAI, AT BABAR MELA**

Superdari Petition No. 22/4 of 2023

Zeenat Ali Vs State

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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	12/09/2023	<p>Petitioner in person along with his counsel namely Mr. Zahoor ur Rehman Advocate and DPP for the State are in attendance. Record received and Arguments heard; whereas, this is the disposal of Criminal Misc. Application bearing No. 22/4 of 2023.</p> <p>Petitioner Zeenat Ali son of Ali Janan resident of Landi Kachai, District Kohat is seeking return of Motorcar Toyota Corolla, bearing Registration No. LEA-08-6489, Chassis No. NZE1206080710, Engine No. X667834, taken into possession by local police in case FIR No.86 dated 23.07.2020 registered U/s 9D-CNSA at Police Station Kalaya, 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. The recovered article is not falling within the definition of "weapon of offence". This fact is admitted by the police and supported by the record available on file as well. The scope of Section 516-A 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. Its theme settled by Law is that proper custody shall be the ultimate goal for which the Court has duly bound to issue order as it thinks fit with simple prerequisite of exercise</p>

  
**SAYED FAZAL WADOOD**  
District & Sessions Judge  
Orakzai at Hangu

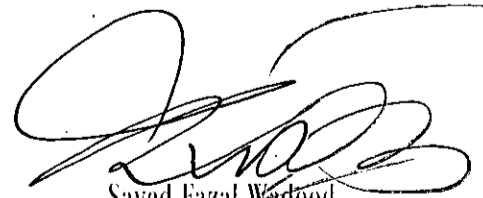
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of discretion judiciously; however, when the trial has been concluded, the provision of section-517 Code of Criminal Procedure, 1898 is attracted and 516 seized to be in field.

Perusal of the case record reveals the case has finally been decided by the then learned Trial Judge vide Judgment and Order dated 21-01-2021. Both the accused have been acquitted on the strength of such Judgment upon which prosecution has preferred appeal against acquittal bearing No. Cr.A 624-P/2021 in Hon'ble the Peshawar High Court, Peshawar. Such appeal was dismissed vide Judgment dated 18-02-2022 and thus acquittal as well as the Judgment of learned the then AD&SJ, Orakzai was maintained. The case property has already been decided to be dealt in accordance with law in such Judgment of Trial Court and was confirmed by next forum; therefore, the matter cannot be re-opened at all. The right course of action available to the person acquitted who was last possessor, is to approach to the local police station for return of vehicle in accordance with law as was mandated in the final Judgment.

For what has been discussed above, the petition is dismissed in limine with the above observation. 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/JSC, Orakzai at Baber Mela