

3

CJ/JMIC-I, Tehsil Courts, Kalaya, Orakzai
Suit/Case No. 79/4 of 2023, Safi Ullah vs State

Petition No... 79/4 of 2023.

Date of institution.....07.09.2023.

Date of decision.....11.09.2023.

Order...03
11.09.2023

Dy.PP for the state present. Petitioner along with counsel present.

Record received. Arguments heard and record perused.

Petitioner namely Safi Ullah S/O Asghar Shah R/O Shalu Bar, Qambar Khel, Bara, PO Bara, Pordil Kalay district Khyber is seeking return of motorcycle CD-70 applied for, chassis number ZXPBAJ00900, engine number BAJ00672 taken into possession by the local police in case FIR No.67 dated 01.07.2023 U/S 279,337 G, 427, 320 PPC, Police Station Kalaya. Copies of the documents are annexed with the petition. Statement of Din Ullah/last possessor has already been recorded wherein, he has stated that he has got no objection if the motorcycle is released on superdari to the petitioner.

Record reveals that motorcycle in question was taken into possession by the local police in the above cited case. Per record, there is no rival claimant of the motorcycle. Release of the motorcycle on superdari to the petitioner will not create any vested right in his favor qua the motorcycle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial. The motorcycle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of motorcycle in question in police custody for indefinite period would also achieve no useful purpose. The same is no more required to the local police for investigation,



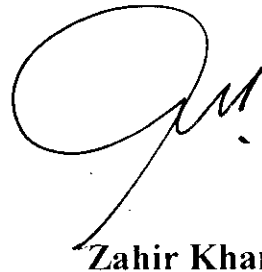
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

11/09/2023

resultantly, the application is accepted and it is directed that the motorcycle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 50,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Copy of the order be placed on file.

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

Announced
11.09.2023



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