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

Petition No... 82/4 of 2023.

Date of institution.....11.09.2023.

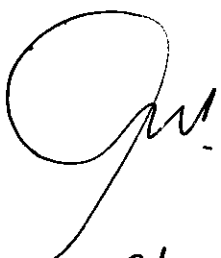
Date of decision.....11.09.2023.

**Order..01**  
**11.09.2023**

Fresh Superdari petition submitted by counsel. Be registered. Dy.PP for the state present. Petitioner along with counsel present. Record already before the court. Arguments heard and record perused.

Petitioner namely Amin Khan S/O Amir Muhammad R/O Qaum Utman Khel, Tappa Fateh Khan Khel, Lower Orakzai is seeking return of motorcycle Model 2020, Red color, bearing registration No. FB-9906, chassis number SR70-4209736, engine number RMI3409376 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. Petitioner produced original registration book. Copy of the same is annexed with the petition. Original seen and returned. Petitioner is brother of deceased.

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,



11/09/2023  
**ZAHIR KHAN**  
**Civil Judge JM**  
**Kalaya Orakzai**

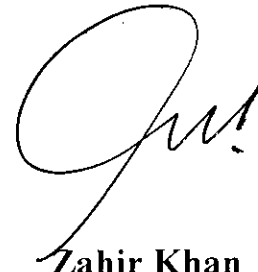
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resultantly, the application is accepted and it is directed that the motorcycle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 50,000/- with two sureties to the satisfaction of SHO Police Station concerned. 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