

(4)

Case Title: Taj Muhammad VS State

Or-----05
25.08.2021

APP for the state present. Petitioner along with counsel present. Report of the concerned SHO received.

Arguments heard. Record perused.

Petitioner **Taj Muhammad S/O Gul Akbar** Caste: Mishti, R/O Jatta Kheil, District L/Orakzai seeks handing over of **27 pieces of trees**, vide order/judgment, Dated: 30.10.2019 of the then Judicial Magistrate-II, Orakzai, taken into possession by local police of PS: Kalaya, L/Orakzai vide **Case FIR No. 17, Dated: 24.06.2019 U/S 379,427,34 PPC.**

Petitioner is the **complainant** in the instant case, on whose report the instant case was registered.

Hearing the arguments of learned counsel and perusing the record it appears that petitioner is the owner of the aforesaid **pieces of trees**. The accused in the aforesaid case were acquitted and the prosecution was directed to dispose off the case property as per the law after expiry of the period of appeal/revision. Admittedly, no appeal/revision has been filed by the prosecution till date and the statutory period for the same has been expired.

Also, there is no rival claimant of the pieces of trees at present. The report of the SHO reveals that the 27 pieces of trees are still lying in the PS, thus, there is strong apprehension of the damage to the pieces of trees if kept in the PS for indefinite period which are no more required for any legal purpose rather both the prosecution and police have committed negligence by not disposing off the case property even after the expiry of the period for the appeal/revision. Thus, it is deemed appropriate to hand over the aforesaid pieces of wood to the petitioner being lawful owner of the same, hence, the petition in hand is **Accepted** and the SHO PS Kalaya is directed to immediately hand over the aforesaid 27 pieces of wood to the


Rehmat Ullah Wazir
Civil Judge (Orakzai)
Orakzai (Orakzai District)

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petitioner against a valid receipt to be placed on the register no. 19 of the PS.

Record be returned to quarter concerned. File of this court be consigned to record room after its necessary completion and compilation.

Announced
25.08.2021


(Rehmat Ullah Wazir)
Judicial Magistrate-I
Orakzai (at Baber Mela)