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CJ/JMIC-I, Tehsil Courts, Kalaya, Orakzai
Suit/Case No. 108/4 of 2023, Mami Khan vs State

Petition No... 108/4 of 2023.

Date of institution.....10.11.2023.

Date of decision.....10.11.2023.

Order...01
10.11.2023

Fresh Superdari petition submitted. Be registered. Petitioner Mami Khan present. SI Shal Muhammad (IO) present. Record already before the court. Arguments heard and record perused.

Petitioner namely Mami Khan S/O Sawab Gul R/O Qaum Esa Khel, Tappa Mero Khel, Orakzai is seeking return of motorcycle Honda 125 CC, red color, bearing registration No. FB-5646, Kohat taken into possession by the local police in case FIR No.45 dated 01.11.2023 U/S 381-A, 411 PPC, Police Station Mishti Mela. Petitioner produced original registration book. Copy of the same is annexed with the petition. Original seen and returned.

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. Petitioner is the last possessor 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, resultantly, the application is accepted and it is directed that the motorcycle in question be handed over to


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

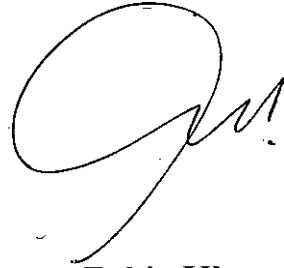
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the petitioner, subject to surety bonds to the tune of Rs. 50,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Copy of the order be placed on file.

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

Announced
10.11.2023



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