

(4)

Order-06
09/11/2021

APP for state present.

Petitioner along with counsel present.

Remaining arguments heard. It be registered.

My this single order is aimed at disposal of an application for not destroying the case property filed by the petitioner/accused while other application filed by the Prosecution to destroy the case property being dangerous in its nature.

Petitioner/accused filed instant petition by contending that case property is totally damaged and is not in working condition and similarly, the same is not dangerous in its nature. Rather the same is required to be produced before the court during the trial as to reach the right and just conclusion of the case, hence it is requested that the case property may not be destroyed rather be produced and exhibit in the trial court.

On other hand SHO concerned through DPO Orakzai submitted an application for the destruction of case property on the ground that the same is dangerous in its nature and requires destruction. Such application was marked to this court by the Honourable Sessions Judge Orakzai to proceed in accordance with law.

Learned APP for the state and learned counsel for the petitioner/accused heard and case file gone through.

Perusal of the record reveals that case property in shape of 07 (seven) Hand Grenades, 02 (two) Rocket Launcher shells, 05 detonators and 700 live cartridges were taken by the police in their custody. The same case property was sent for FSL as well as for the opinion of arms expert. FSL report as well as opinion of arms expert is available on file. So report regarding the nature of case property is already available on file.


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
09.11.21

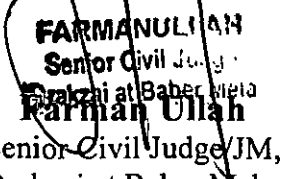
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Moreover, the arms expert has also opined that some of the case property is dangerous in its nature and he ~~is~~ also recommended for its early destruction.

In view of above discussion, application of petitioner for not destroying the case property is dismissed while application of Prosecution to the extent of destruction of case property comprising 07 (seven) Hand Grenades, 02 (two) Rocket Launcher shells, 05 detonators is accepted. SHO of PS Ghiljo is directed to make the necessary arrangement including BDS team on 15.11.2021 for destruction of case property and report the same to this court one day prior to the date already fixed. Record be returned to quarter concerned along with the copy of this order.

File be consigned to the record room after its completion and compilation.

Announced
09.11.2021


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge/JM,
Orakzai at Baber Mela.