

IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA

Superdari Petition No. 7/4 of 2021
Muhammad Qayum Vs State

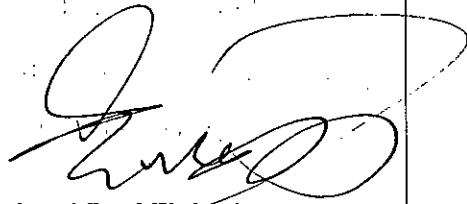
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order -2	01/11/2021	<p>Mr. Khurshid Alam Advocate for petitioner and Mr. Amir Shah APP for State are in attendance. Arguments heard; whereas, this is the disposal of petition for Superdari of property pending trial.</p> <p>2. Instant Superdari Petition is presented by petitioner Muhammad Qayum son of Mirdal Khan resident of Stori Khel, Mula Khel District Orakzai for return of Motorcycle bearing registration No. 21-03B70A001-82 with chassis No. EA438199 and Engine No. 895586 of 2017 Model; seized by local Police in FIR No. 68 dated 29-06-2020 registered under Section 9D of the KP CNSA 2019 of Police Station Lower Orakzai.</p> <p>3. Learned counsel for petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>4. Brief facts of the case are such that Local Police put barricade at Sultan Zai Shaga Road on receiving spy information regarding smuggling of Narcotics Substance and recovered chargs from the waist coat of the accused riding on subject Motorcycle. The case was put in Court and was finally decided by my learned Predecessor in Office under Section-265K of the Code of Criminal Procedure 1898 vide Order dated 19-10-2020. Petitioner submitted instant application on 18-10-2021 after laps of one year, seeking therein return of Motorcycle, which is under consideration.</p> <p>5. Section 516-A and 517 of the Code of Criminal Procedure, 1898 deal the subject of disposal of property. Earlier stated section of Law is regarding order for custody and disposal of property pending inquiry of trial; whereas,</p>


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

the later stated provision comes into play when an inquiry or trial of the case is concluded. Record available on file reflects that the trial has already been concluded and the property had been ordered under Section 517 of the Code of Criminal Procedure 1898. In this scenario as there is no pending trial of inquiry and final order regarding case property has already been issued some one year back; therefore, petition in hand is not maintainable under the Law. It is not out of place to mention here that the right course of action for petitioner was to approach Police Station Lower Orakzai for return of Motorcycle in accordance with law as was earlier determined by the Court in order dated 19-10-2020

6. For what has been discussed above, instant Superdari petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on requisitioned record that to be returned accordingly.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela