

Order...04


Continued.

22.02.2024

Maulana Ihsan Ullah Advocate submitted wakalatnama in favour of petitioner which is placed on file. Furthermore, Zahoor Rehman Advocate submitted wakalatnama in favour of accused which is also placed on file.

Counsel for the petitioner argued the instant petition while counsel for the accused sought time for arguments on next date. Granted.

File to come up for arguments on the instant petition by counsel for the accused on 24.02.2024.

  
Sami Ullah  
Judicial Magistrate-I,  
Orakzai (at Baber Mela)

Order...05

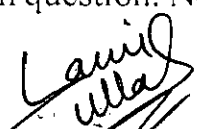
24.02.2023

Petitioner/complainant along with counsel present. DyPP for the state present. Counsel for the accused present. Record already received. Arguments heard and record perused.

Petitioner, namely Rehmat Ullah is seeking return of Hino Truck bearing Registration No. **Z 7162**, chassis No. **FD2JLB-13352**, Engine No. **J08CB24416**, Model **1996**, and Maker name **HINO**, taken into possession by the local police in case FIR No. **06** dated **12.02.2024** U/S **504/392 PPC**, Police Station Kuriz Boya.

Record reveals that vehicle in question was taken into possession by the local police in the instant case, however, today petitioner produced documents such as registration book etc in respect of vehicle in question. Original registration Book and Original sale deed through which the present petitioner became owner is produced before the court. Documents seen and returned. The vehicle in question was taken into possession from the accused who was charged with forcibly retaining the vehicle in question. The FIR was lodged by the present petitioner being complainant and in claiming the ownership of the vehicle in question. Notice was issued

(Continued...)

  
Sami Ullah  
Civil Judge/JM-I  
Orakzai (at Babar Mela)

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to the accused, who appeared before the court and submitted wakalatnama of his counsel. The accused was question regarding any rival claim on the vehicle in question and he negated any claim on the same and has not pressed this petition.

The petitioner is last possessor of the vehicle in question and there is no rival claimant. The vehicle in question is no more required to the local police for investigation. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose.

Resultantly, the application is **Accepted** and it is directed that the vehicle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 75,00,000/- (Seventy Five Lacs) with two reliable sureties each in the like amount to the satisfaction of this court. Petitioner shall produce the same when and where required. Record be returned back to the quarter concerned.

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

Announced  
24.02.2024

  
**Sami Ullah**  
Judicial Magistrate-I/HQ,  
Orakzai (at Baber Mela)