

**IN THE COURT OF SYED OBAIDULLAH SHAH**  
**SESSIONS JUDGE, ORAKZAI (AT BABER MELA)**

CR. MISC. APPLICATION NO. : 2/4 OF 2024  
DATE OF INSTITUTION : 23.01.2024  
DATE OF DECISION : 01.02.2024

RAHIM JAN S/O MIAN JAN, R/O CASTE STORI KHEL, TAPA  
ANJANI, TEHSIL LOWER DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION KALAYA

..... (RESPONDENT)

**Present** : Sana Ullah Khan Advocate for petitioner.  
: Umar Niaz District Public Prosecutor for the State.

**FIR No.** 96  
**U/S:** 279/337-G/320/427

**Dated:** 06.10.2023  
**Police Station:** Kalaya

**ORDER:**  
01.02.2024

DPP, Umar Niaz for the State present. Petitioner  
Rahim Jan along with his counsel Sana Ullah Khan Advocate  
present. Arguments heard and record gone through.

- (2). The above-named petitioner seeks return of a CD-70  
motorcycle having Registration No. FX3746, Chassis No.  
US70-834230 and Engine No. E566669 taken into possession  
by the local police in the subject case FIR, wherein, as per  
contents of FIR, Muqadar Khan ASHO received information  
regarding an accident of two motorcyclists on main road  
leading from Kalaya to Kohat near Iqra Public School. He  
along with other law enforcement officials reached the spot  
and came to know that two motorcyclists had collided and they  
were shifted to the hospital by the local residents. One of the

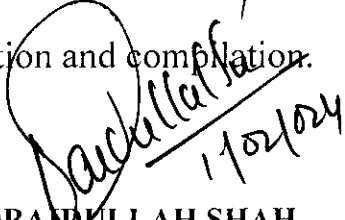
  
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motorcyclists succumbed to the injuries while the other sustained injuries.

The petitioner present before the court produced original registration documents of the motorcycle which is seen and returned.

- (3). Arguments heard and record gone through.
- (4). Perusal of the case file reveals that the petitioner is the last possessor of the motorcycle in question. At present there is no rival claimant. Moreover, the investigation in the instant case is complete and the motorcycle in question is no more required for further investigation. The prosecution also raised no objection, if the motorcycle in question is returned to the petitioner.
- (5). In these circumstances, the petition in hand is accepted and the motorcycle in question be returned to the petitioner subject to furnishing two surety bonds in the sum of Rs. 50,000/- to the satisfaction of SHO concerned.
- (6). Order announced. File of this court be consigned to record room after its necessary completion and completion.

Dated: 01.02.2024

  
1/02/2024  
SYED OBANULLAH SHAH  
Sessions Judge, Orakzai  
at Baber Mela

