

9

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

CR. MISC. APPLICATION NO. : 5/4 OF 2022
DATE OF INSTITUTION : 19.10.2022
DATE OF DECISION : 31.10.2022

MEHDI RAZA S/O SAID NABI, R/O MANI KHEL, TAPA AHMAD
KHEL, PO KALAYA, AHMAD KHEL, TEHSIL LOWER, DISTRICT
ORAKZAI (PETITIONER)

-VERSUS-

STATE THROUGH SHAL MUHAMMAD SHO, POLICE
STATION KALAYA, DISTRICT ORAKZAI
..... (RESPONDENT)

Present : Shahid Mahmood Khan Advocate for petitioner.
: Umar Niaz, District Public Prosecutor for State.

FIR No. 77
U/S: 302/311/34 PPC

Dated: 16.08.2022
Police Station: Kalaya

ORDER:
31.10.2022

Petitioner, Mehdi Raza seeks return of vehicle bearing Registration No. 333 ICT/Islamabad, Engine No. 22-FE, Chassis No. 22E-22-0069586, Model 2002 taken into possession by the local police in the subject case FIR, wherein, as per contents of FIR, the local police on receipt of information regarding murder of female on the pretext of honour reached on the spot where the complainant Shal Muhammad SHO came to know that Mst. Fahida Bibi had left her house about 12 years prior being charged for having illicit relations with one, Khalid s/o Gul Haider and had taken refuge at the house of Fakhar Abbas and that on the day of occurrence the accused Wasiat Ali (brother of deceased) along with co-accused Sadiq Khan and Jaan Khan had taken her from the house of Fakhar Abbas in a vehicle in question near the house of Wasiat Ali where she was murdered with firearm by the accused/petitioner.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela

31/10/22

10

(2). During the course of investigation, the local police recovered the aforementioned vehicle from possession of co-accused Sadiq Khan and Jaan Khan and took the same into possession being used in the commission of offence.

The present petitioner seeks return of vehicle for the reason that he is owner in possession of the aforementioned vehicle and the same is no more required to the police for investigation.


(3). I heard arguments and perused the record.

(4). Perusal of case file shows that the motorcar in question is Non-Customs Paid and the petitioner claims ownership of the same vide application form with a title "Vehicles Identification Orakzai Agency" wherein the name of its owner is entered as Mehdi Raza, the present petitioner, but this document has not been produced to the Investigation Officer. It is also evident from the record that the Investigation Officer has neither inquired into the ownership of the motorcar nor other antecedents of the motorcar in question. Moreover, there is difference between particulars of the chassis number and engine number of the motorcar entered in the aforementioned application form and that of particulars entered in the record of police.

(5). Hence, the petitioner is not entitled for return of vehicle at this stage; therefore, the petition in hand stands dismissed. File be consigned to Record Room after its necessary completion and compilation.

Pronounced
31.10.2022




SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela