

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Petition No... ..13/4 of 2024.

Date of institution.....19.04.2024.

Date of decision.....20.04.2024.

Order...02
20.04.2024

APP for the state present. Petitioner along with clerk of counsel present. Record received. Written arguments on behalf of counsel for petitioner submitted. Arguments of APP for the state heard and record perused.

Petitioner, namely Nabeel Khan S/O Edat Khan R/O Qaum Mishti, Tappa Darway Khel, village Jaghay, District Orakzai is seeking return of Tractor bearing registration No. APL 2016, Model 2016, Engine No. 707522-B, Chassis No. 42863-07 taken into possession by the local police in case FIR No.16 dated 09.04.2024 U/S 324, 427 PPC Police Station Mishti Mela.

Record reveals that tractor in question was taken into possession by the local police in the above cited case and is in the custody of local police of PS MM. Copies of ownership documents in the name of petitioner are annexed with the petition. Petitioner is the last possessor of the said tractor. There is no rival claimant of the vehicle. The vehicle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose. Release of the vehicle on superdari to the petitioner will not create any vested right in his favor qua the vehicle as superdari is only a



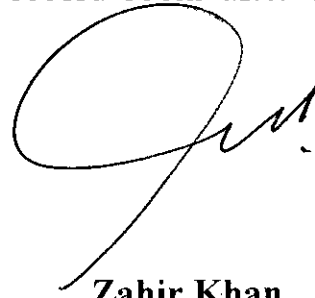
20/04/2024
ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

4
temporary arrangement for the custody of the property during pending inquiry/trial.

As petitioner is the last possessor and the vehicle in question and the same is no more required to the local police for investigation, 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. 1600,000/- each with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Record be returned back to the quarter concerned. Copy of the order be placed on file.

The instant file be consigned to record room after completion and compilation.

Announced
20.04.2024



Zahir Khan
Judicial Magistrate-I, Tehsil Kalaya,
District Orakzai