

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

Petition No... ..14/4 of 2024.

Date of institution.....22.04.2024.

Date of decision.....25.04.2024.

Order...03
25.04.2024

None present for the state. Brother of petitioner namely Asif present.
Record received. Written arguments on behalf of counsel for petitioner already submitted and record perused.

Petitioner namely Fayaz Khan S/O Sharbat Khan R/O Mamo Zai, Tehsil Upper, District Orakzai is seeking return of motorcar bearing registration No. LEJ-4326, Punjab, Model 2007, Engine No. B401904, Chassis No. 940457 taken into possession by the local police in case FIR No.13 dated: 31.03.2024 U/S 506, 427/34 PPC & 15-AA Police Station Mishti Mela.

Record reveals that motorcar 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 the relevant documents are annexed with the petition. Original produced and returned after examination. Petitioner is the last possessor of the said vehicle. 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


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ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

favor qua the vehicle as superdari is only a 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. 800,000/- 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
25.04.2024



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