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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Case No. 06/10 of 2024

Date of institution: 30.05.2024

Date of decision: 05.06.2024

Date of consignment:

Sanab Gul son of Umar Gul Qaum Shekhan, Orakzai and 02 others,
(petitioners/accused)

Versus

State through Syed Shareef son of Syed Akbar, Qaum Ali Khel, Orakzai
(respondent/complainant)

CRIMINAL REVISION U/S 439 (A) Cr.PC

Judgment

1. Through this judgment I shall decide criminal revision petition filed by petitioners against respondent, whereby, impugned the judgment and order dated 22.05.2024 of the Court of learned Senior Civil Judge/Judicial Magistrate, Orakzai.
2. Concise facts giving rise to instant criminal revision petition are that respondent/complainant reported the matter to the police that on 12.05.2024, Sanab Gul, Speen Badshah and others forcibly unloaded coal from his truck at the gunpoint and threatened his driver, Irshad; that accused have then loaded the same coal onto their own truck registration number E-3463; that due to this act of accused, he could not have delivered the coal furnace dealer on time, which has not only caused him financial loss of Rs. 1,000,000 but the trust relation developed between him and the furnace dealer also affected; that he has made report to the local police vide daily diary no. 14 dated 12.05.2024 and truck was taken into possession by the Police of Kurez Boya Police Station

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and an FIR No. 33 dated 24.05.2024 u/s 506, 504, 341, 427 read with section 34 PPC of Kurez Boya Police Station, Orakzai was registered, hence, the proceedings.


3. Rasool Khan has filed a superdari application for the return of truck and loaded coal before the court of learned Senior Civil Judge/Judicial Magistrate, Orakzai, who allowed the application vide order dated 22.05.2024, the impugned order, and direction for the return of truck in question was passed to the local police on furnishing of surety bonds to the tune of Rs. 500,000/- with two sureties by Rasool Khan, who was further directed to deposit market value of the coal price loaded in the truck i.e. 180,000/- rupees, as per assessment of the parties, with Civil Nazar of the said court in cash, which was held to be disbursed amongst the parties in whose favour the question of ownership of the coal would be decided by the competent forum.
4. Feeling dissatisfied with the judgment and order of the learned Senior Civil Judge/Judicial Magistrate, Orakzai, petitioners have partially assailed it to the extent of depositing of Rs. 180,000/- with Civil Nazar of the said court through the revision petition in hands by asserting the same to be wrong, illegal, against the law, facts and being the result of non-exercise of jurisdiction vested in it, therefore, prayed for setting aside the order of learned trial court to this extent and return of money.
5. Arguments heard and record perused.
6. Viewing the arguments advanced by learned counsel for parties and record before the court, it is evident from record that the bail petition for return of truck and loaded coal was filed by Rasool

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Khan before the learned trial court, whereas, petitioners were not party to the said application. Even, they had neither been arrayed as respondents in the said petition by Rasool Khan nor they had separately applied for the return of coal in question; therefore, they have no legal footings to challenge the impugned order before this forum through instant criminal revision. Besides this, Rasool Khan was directed to deposit the alleged money before the Civil Nazir of the said court, who in compliance to the court direction allegedly deposited the money; therefore, petitioners also lack the ground to claim its return.

7. In the backdrop of above findings and without touching merits of the case, the instant criminal revision petition is **dismissed** being bereft of merits.
8. Copies of this order are placed on police and judicial records.
9. File consigned to record room after completion and compilation.



Announced
05.06.2024

(Abdul Basit)
Additional Session Judge-II,
Orakzai

CERTIFICATE

Certified that my judgment consist of three (03) pages. Each page is signed by me after necessary corrections, where needed.



Announced
05.06.2024

(Abdul Basit)
Additional Session Judge-II,
Orakzai