

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

Petition No... ..19/4 of 2024.

Date of institution.....06.05.2024.

Date of decision.....07.05.2024.

Order...02
07.05.2024

APP for the state present. Petitioner along with counsel present.
Record received. Arguments heard and record perused.

Petitioner namely Wajid Ullah S/O Mir Asat Khan R/O Qaum Mishti, Tappa Mamo Zai, PO Mishti Mela, Kandai, Tehsil Central, District Orakzai is seeking return of white color Suzuki bearing registration No. D-3785, Mardan, Engine No.PKT246927, Chassis No. SR308PK351593 taken into possession by the local police in case FIR No.18 dated: 12.04.2024 U/S 324,148,149 PPC Police Station Mishti Mela.

Record reveals that Suzuki 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.

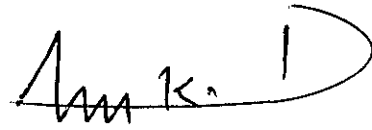
Original produced and returned after examination. Petitioner is the last possessor of the said vehicle. There is no rival claimant of the vehicle. The vehicle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose. Release of the vehicle on superdari to the petitioner will not create any vested right in his favor qua the vehicle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai
07/05/2024

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. 900,000/- 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 this order be placed on file.

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

Announced
07.05.2024



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