

CJ/JMIC-I, Tehsil Courts, Kalaya, Orakzai
Petition No. _____ of 2024, Ghuncha Gul vs State

Petition No... 27/4 of 2024.

Date of institution.....01.06.2024.

Date of decision.....06.06.2024.

Order...04
06.06.2024

None present for the state. Petitioner present through counsel. Record already received. Accused Muhammad Islam produced in custody. Per record, the motorcycle in question was recovered from possession of accused named above in connection with case FIR No. 38 dated 22.05.2024 u/s 11-A CNSA PS Kalaya. He stated that he has got no objection if the motorcycle is released on superdari to the petitioner as petitioner is the real owner of the motorcycle. His statement was separately recorded which is duly thumb impressed by him. Arguments heard and record perused.

Petitioner namely Ghuncha Gul S/O Quwat Khan R/O Qaum Kamar Khel, Mughal Khel, PO Bara, Baz Ghara, District Khyber is seeking return of motorcycle Honda 125 CC, black color, bearing registration No. FD-4550 Kohat, engine number 8981975 taken into possession by the local police in case FIR No.38 dated 22.05.2024 U/S 11-A CNSA, Police Station Kalaya.

M 12-11
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

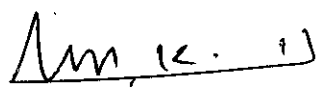
Petitioner has produced original registration book. Copy of the same is annexed with the petition. Original was seen and returned.

Record reveals that motorcycle in question was taken into possession by the local police in the above cited case. Per record, there is no rival claimant of the motorcycle. Release of the motorcycle on superdari to the petitioner will not create any vested right in his favor qua the motorcycle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial. The motorcycle is parked in open space which

is likely to be rusted, damaged and deteriorated. Detention of motorcycle in question in police custody for indefinite period would also achieve no useful purpose. Per record, the recovery of the alleged ICE has not been made from the secret cavities/parts of the motorcycle. The same is no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the motorcycle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 100,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Copy of the order be placed on file.

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

Announced
06.06.2024



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