

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

Petition No.....63/4 of 2024.

Date of institution.....12.08.2024.

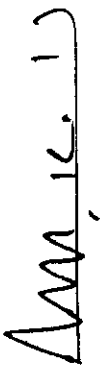
Date of decision.....13.08.2024.

Order...02
13.08.2024

APP for the state present. Petitioner Amrad Ali along with complainant Dindar Ali and counsel present. Record received. Statement of complainant separately recorded wherein, he stated that he has got no objection if the motorcycle in question is released on superdari to the petitioner. Statement is duly thumb impressed by him. Arguments heard and record perused.

Petitioner namely Amrad Ali S/O Muhammad Jaleel R/O Qaum Mani Khel, Tappa Mirwas Khel, Qalat, Tehsil Lower Orakzai is seeking return of motorcycle CD70, bearing registration No. APL, Model 2019, Engine No. 2411391, chassis No. 57425083, taken into possession by the local police in case FIR No.52 dated 01.07.2024 U/S 381-A PPC, Police Station Kalaya. Petitioner produced original registration book and sale deed. Copies thereof are annexed with the petition. Original seen and returned after examination.

Record reveals that motorcycle in question was taken into possession by the local police in the above cited case. 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 trial. The motorcycle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of motorcycle in question in police

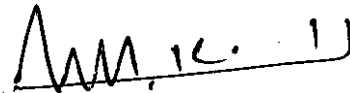


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

custody for indefinite period would also achieve no useful purpose. The same is no more required to the local police for investigation. Although, petitioner is not the last possessor, however, sale deed and original documents are in possession of the petitioner and complainant has got no objection on the release of motorcycle on superdari to the petitioner. 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. 50,000/- 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
13.08.2024



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