

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

CR. MISC. APPLICATION NO. : 11/4 OF 2024
DATE OF INSTITUTION : 09.09.2024
DATE OF DECISION : 19.09.2024

BAKHTIAR ALI S/O MALAK ARIF ALI, R/O CASTE BAR
MUHAMMAD KHEL, TAPA ALAT KHEL, KHANDO, TEHSIL
LOWER, DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION KALAYA

..... (RESPONDENT)

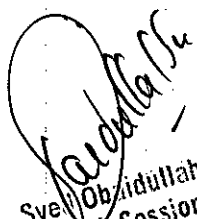
FIR No. 44
U/S: 302 PPC

Dated: 26.04.2023
Police Station: Kalaya

ORDER:
19.09.2024

Petitioner Bakhtiar Ali seeks return of a 30-bore pistol bearing no. A4048 taken into possession by the local police in the subject case FIR, wherein, as per contents of FIR, on 26.04.2023 the local police acting on information regarding the incident, arrived on the spot and found the dead body of Atif Ali s/o Rashid Ali along with an unnumbered pistol and an empty shell of 30-bore pistol. At approximately 0800 hours, Amjad Ali, the deceased's brother, reported the incident to the police, naming unknown individuals as suspects. Later on, accused Mukhiar Hussain was charged for the commission of offence who was acquitted u/s 265-K CrPC by the undersigned vide order dated 01.08.2024 in following words;

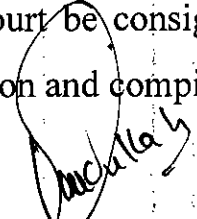
*"The accused namely, **Mukhiar Hussain**, on acceptance of his application, is acquitted from the charges levelled against him u/s 265-K CrPC. The accused is on bail. His bail bonds stand cancelled and his sureties are discharged of the liabilities of his bail bonds. Case property be disposed of/dealt with in*


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accordance with law after the period provided for appeal/revision."

The petitioner has attempted to get back the pistol through the Station House Officer (SHO) but has been unsuccessful. The SHO's report has been called which was accordingly submitted.

- (2). Arguments heard and record gone through.
- (3). Perusal of the case file reveals that the order dated 01.08.2024 is clear about the case property being handled in accordance with legal procedures; however, as per report of the SHO, he interpreted this to mean that the pistol would be returned to its lawful owner after the period provided for appeal/revision. The petitioner has presented the original license for the pistol, which has been verified and returned. Currently, there are no competing claims for the firearm. Thus, in these circumstances, the petition in hand is accepted and the pistol in question be returned to the petitioner subject to the satisfaction of SHO concerned.
- (4). Order announced. File of this court be consigned to record room after its necessary completion and compilation.
Dated: 19.09.2024


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