

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

CRIMINAL REVISION NO. : 2/10-R OF 2024
DATE OF INSTITUTION : 09.09.2024
DATE OF DECISION : 13.09.2024

WAHID ULLAH S/O HADI GUL, R/O CASTE MISHTI, TEHSIL
CENTRAL, DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

THE STATE

..... (RESPONDENT)

Present: Khursheed Alam Advocate for petitioner,
Muhammad Irfan Khattak Advocate for respondent,
DPP, Umar Niaz for State

JUDGEMENT


13.09.2024

DPP, Umar Niaz for the State and Khursheed Alam Advocate for petitioner present. Muhammad Irfan Khattak Advocate present and submitted Wakalatnama on behalf of respondent. Placed on file.

(2). Impugned herein is the order dated 29.07.2024 of learned Senior Civil Judge, Orakzai vide which the complainant was directed to park the case property i.e., tractor in the concerned police station. The petitioner, considering himself aggrieved of the order, filed the instant appeal.

(3). Arguments heard and record perused.

(4). Perusal of the case file reveals that the respondent/accused Gul Zali Khan was charged in case FIR No. 17, Dated 02.05.2023, u/s 381A/411 PPC registered at Police Station Kurez Boya vide report of the petitioner/complainant for allegedly stealing his tractor. The case property i.e., tractor was returned to

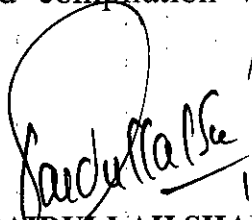

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the petitioner/complainant vide order of learned Additional Sessions Judge-II, Orakzai passed in Superdari Petition No. 18/4 of 2023; however, the learned trial court vide impugned order issued direction to the petitioner/complainant to return the tractor to the concerned police station revoking the superdari order.

It is pertinent to mention here that the witnesses has been examined, the statement of the accused has been recorded u/s 342 CrPC and the case before the trial court is fixed for final arguments; therefore, without delving into the merits of the case, this court is of the view that the case is in the final stage and a final judgment is yet to be rendered after hearing the arguments by the learned trial court to decide the fate of the case; hence, petition in hand is dismissed.

Order announced. File of this court be consigned to record room after its necessary completion and compilation while record be returned.


Dated: 13.09.2024


SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela

CERTIFICATE

Certified that this order consists of two (02) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 13.09.2024


SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela

