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

Petition No... ..51/4 of 2024.

Date of institution.....12.07.2024.

Date of decision.....13.07.2024.


Order...02
13.07.2024

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

Petitioner namely Sakhi Gul S/O Mastan Gul R/O Qaum Sheikhan, tappa Umar Zai, Tehsil central Orakzai is seeking return of motorcycle Honda 125 CC, black color, bearing registration No. V-2573, Bannu, Model 2016, Engine No. 7922940, chassis No. EA105163, taken into possession by the local police in case FIR No.45 dated 30.06.2024 U/S 11-A CNSA, Police Station Mishti Mela. Petitioner produced original registration book and sale deed. Copies thereof are annexed with the petition. Original seen and returned after examination.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

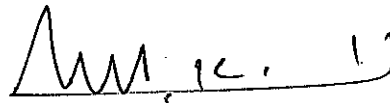
Record reveals that motorcycle in question was taken into possession by the local police in the above cited case. Per record, the alleged recovery of ICE has not been recovered from the secret cavities of the motorcycle in question. There is no rival claimant of the motorcycle. Petitioner is the last possessor 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


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question in police custody for indefinite period would also achieve no useful purpose. 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
13.07.2024



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