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

CRIMINAL REVISION CASE NO. : 3/10 OF 2020
DATE OF INSTITUTION : 20.02.2020
DATE OF DECISION : 22.02.2020

GUL REHMAN S/O SYED REHMAN, R/O CHOR LAKI DISTRICT
KOHAT

.....(PETITIONER)

-VERSUS-

STATE THROUGH COMPLAINANT HABIB NAWAZ S/O
MEHRBAN KHAN R/O MISHTI LOWER ORAKZAI,

.....(RESPONDENT)

Present: Saeed Ahmad Advocate, for petitioner.
: Syed Aamir Shah Additional Public Prosecutor for state.

FIR No. 47 Dated: 11.12.2019 **U/SS:** 387/365/511/148/149
PCC Police Station: Lower Orakzai

JUDGEMENT
22.02.2020

In the aforesaid mentioned case, complainant Habib Nawaz has charged accused for attempting to kidnap him besides has taken away one pick-up, two tractors and one tar-coal plant by force. Petitioner, Gul Rehman submitted an application in the court of Judicial Magistrate-II, Orakzai for the return of tar-coal plant but the same was turned down by the said court vide order dated 18.02.2020. Hence, the revision in hand.

(2). I have heard the learned counsel for the petitioner and APP for the State and thereby conclude that the complainant in his application submitted to the local police for registration

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(4)

of the case has categorically mentioned therein that the tar-coal plant in question belong to petitioner, Gul Rehman besides he submitted an affidavit in the court of Judicial Magistrate-II, Orakzai showing no objection on the return of tar-coal plant in question to the petitioner, Gul Rehman. Moreover, at the moment investigation with regard to tar-coal plant in question is complete and the same is no more required for further investigation. Also, there is no rival claimant of the tar-coal plant in question at the moment.

(3). Therefore, for the stated reasons above, the revision in hand is accepted, impugned order of the Judicial Magistrate-II is set aside and tar-coal plant in question is hereby return to the petitioner, Gul Rehman on bail subject to furnishing bail bonds in sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of Judicial Magistrate/MOD concerned. The court of Judicial Magistrate/MOD after attestation of bail bonds may also issue release order of the tar-coal plant in question. The petitioner will be bound not to dispose off the tar-coal plant in question till the conclusion of the case and to produce the same as and when required.

(4). File be consigned to Sessions Record Room after its necessary completion and compilation.

Announced
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CERTIFICATE

Certified that this judgment consists of three (03) pages.
Each page has been read, corrected where-ever necessary and
signed by me.

Dated: 22.02.2020



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Sessions Judge,
Orakzai at Baber Mela

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