

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Case No : 9/4 of 2025
Date of Institution : 28.04.2025
Date of Decision : 29.04.2025

ORDER NO. 02

29.04.2025

Sr. PP, Abul Qasim for the State present.

Petitioner Mst. Saeeda Bibi W/O Ameenullah R/O
Caste Mishti Tappa Haider Khel, District Orakzai
through counsel present. Record received.

2. The accused/petitioner namely, Mst. Saeeda Bibi
Widow of Ameenullah is seeking return of tractor
Model 2013, Engine no. 672085X, chassis No.
422221313, registration No. MHS-13-1575 on
superdari which is taken into possession of the local
police of PS Mishti in case FIR No. 21, dated
13.04.2024, registered U/S 302/427/109/34 PPC.

3. Facts of the case are per Murasila are that on
13.04.2025, ASHO PS Mishti rushed to the Hospital
after receiving information, where he found the dead
body of Ameenullah aged about 36/37 years. The son
of deceased namely Muhammad Aamir aged about
13/14 years present with the dead body reported that
on eventful day he along with his father were present
in their house. At 1230 hours one Rafi Ullah S/O
Dawood Shah, Rehmat Ullah S/o Azeem, Muhammad
Ayaz S/o Mehmood Khan R/o Mishti Khan Shinki
Banda, District Hangu came to their house and asked

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for ploughing their fields through tractor. On their request his father take out their personal tractor and he along with his father went to the said fields for ploughing. When they reached there the complainant deboarded from the tractor and was waiting there, while his father started ploughing the fields. In the meanwhile, at 1300 hours, his uncle Hassan Khan duly armed with pistol came and asked his father to stop ploughing, due to which altercation took place between them on which his uncle flared up with anger and loaded his pistol and started firing at his father with intention to kill, due to which he hit and died. The tractor also damages due to firing, while accused Hassan decamped from the spot. The occurrence is witnessed by complainant. Motive for the occurrence is landed dispute. He charged Hassan Khan for the commission of offence at the instigation of accused Rafi Ullah, Rehmat Ullah and Muhammad Ayaz.

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4. Arguments heard and available record perused which shows that the vehicle in question was taken into possession vide recovery memo dated 13.04.2025 which is the ownership of deceased (husband of petitioner). She has brought the original registration book. The copy of which is placed on file. The petitioner is widow of the deceased (owner of tractor), who was driving the tractor in question at the time of occurrence. Furthermore, it is stated by the learned counsel for the petitioner that there is no other major

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family member of the deceased except the petitioner and another widow namely Zulekha Bibi of the deceased. There is apprehension of deterioration of the tractor in question if left unattended in the PS under the open sky for indefinite period, furthermore, it will serve no useful purpose if the same is kept under the custody of police, therefore, the instant application being genuine is hereby accepted subject to furnishing surety bonds worth Rs. 1,000,000/- with two sureties each in the like amount to the satisfaction of SHO concerned.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced

29.04.2025

BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela