

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 01	04.12.2025	<p>Fresh application for returning of case property received.</p> <p>Be entered. Record is already before the court.</p> <p>Through this order, this court is going to dispose of the application filed by learned counsel for the petitioner seeking return of case property, i.e., an Oppo Mobile Phone, on the ground that the accused has already been acquitted in the instant case.</p> <p>Counsel for the petitioner contends that the mobile phone in question was taken into possession by the police during the course of investigation and was later placed in <i>malkhana</i> as case property. It is argued that since the accused has been acquitted by the Worthy District & Sessions Judge, Orakzai, the continuation of custody of the said mobile phone with the police has become unlawful and unnecessary. Counsel submits that no other proceedings are pending in which the said property is required, therefore the same may kindly be returned to the lawful owner/petitioner.</p> <p>Report from the concerned Malkhana In-charge/IO has been called, who confirmed that the Oppo Mobile Phone is indeed lying in safe custody. It is also confirmed that the accused has been acquitted and the judgment of acquittal has attained finality.</p>

MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

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The law is well-settled that upon the conclusion of trial particularly where the accused stands acquitted the court is competent to order release of case property to its rightful owner under the provisions of Section 517 Cr.P.C. The purpose of retention of case property ceases after the final adjudication of the matter, unless the said property is required in any other collateral proceedings, which is not the case here.

The record further reflects that the Oppo Mobile Phone belongs to the petitioner and was recovered from his possession. Hence, there remains no legal justification to retain the same in malkhana.

In view of the above discussion, the application is allowed. The concerned Malkhana In-charge is directed to return the Oppo Mobile Phone to the petitioner, subject to proper identification and verification, and after completing all codal formalities in accordance with law. A proper receipt shall be obtained and kept on record. File be consigned to record room after completion.

Announced:

04.12.2025


Muhammad Junaid Alam,
Judicial Magistrate-II,
Tehsil Courts, Kalaya, Orakzai