W.P. No. 587 of 2020

Muhammad Imtiaz.
Versus
The State and another.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(04)	01.07.2020	Ch. Ali Abbas, Advocate for the petitioner. Mr. Zohaib Hassan Gondal, State Counsel. Nadeem Mughal, S.I and Iftikhar, A.S.I.

Through this Constitution Petition, the petitioner (Muhammad Imtiaz) has assailed the order dated 18.05.2017, passed by the learned Additional Sessions Judge-IV (East), Islamabad, whereby the application for Superdari of vehicle (Toyota Corolla Xli) Model 2007, bearing Registration No.LEB-07-3244, filed by the petitioner, was dismissed.

2.   Briefly stated facts of the case are that Iftikhar Ahmad A.S.I, Anti Car Lifting Cell, Islamabad, on 15.01.2017 taken into custody possession vehicle bearing Registration No.LEB-07-3244, under Section 550 Cr.P.C from one Muhammad Iqbal Khan son of Sher Muhammad suspecting to be stolen one, and referred the said vehicle to laboratory for verification of engine and chassis numbers; that laboratory report dated 17.01.2017 revealed that the Chassis number plate of the above said vehicle was cut and welded. As a result of the said report, F.I.R No.33 dated 25.01.2017 was lodged under Sections 201, 420, 468 and 471 P.P.C at Police Station Bharakahu, Islamabad.

3. The petitioner claimed ownership of the above said vehicle through an application before the learned Judicial Magistrate (East), Islamabad, for Superdari of the said vehicle, which was dismissed vide order dated 15.03.2017. Feeling aggrieved from the said order the petitioner filed an application for Superdari of the said vehicle before the learned Additional Sessions Judge-IV (East) Islamabad, which was also dismissed vide order dated 18.05.2017, hence, the instant petition.

4. Learned counsel for the petitioner submitted that the petitioner is the bonafide purchaser of the above said vehicle, he was not aware that the said vehicle was accidental one with tempered chassis number; that the petitioner is the sole claimant of the above said vehicle and that the last possessor of the vehicle in question namely Muhammad Iqbal Khan also sworn an affidavit stating therein that the petitioner is the only owner of the above said vehicle and he has no objection if the above said vehicle is given to the petitioner on Superdari.

5. On the other hand, learned State Counsel supported the impugned order dated 18.05.2017 and submitted that the vehicle in question was taken into possession from one Muhammad Iqbal Khan and the laboratory report shows that the chassis number plate of the vehicle in question has been cut and welded, therefore, the petitioner is not entitled for Superdari of the vehicle in question.

6.   Heard arguments of learned counsel for the parties and perused the available record.

7.   Perusal of the record reveals that the disputed vehicle was taken into possession by Iftikhar Ahmed A.S.I , Car sell on 15.01.2017 under Section 550 Cr.P.C suspecting the same as stolen one from the possession of Muhammad Iqbal Khan S/o Sher Muhammad Khan and referred the said vehicle to the laboratory for verification of its engine and chassis number. Report of the laboratory dated 17.01.2017 depicted that the chassis number of vehicle (Toyota Corolla Xli) Model 2007, bearing Registration No.LEB-07-3244, was found cut and welded and another Iron piece bearing number NZE120-6054859 had been welded on its chassis number place, whereas the original chassis number of the said vehicle on the Registration Book is NZE120-654859. The petitioner is also not the recorded owner of the vehicle in question. As such, the learned Judicial Magistrate as well as the learned Additional Sessions Judge, Islamabad, has rightly dismissed the petitioner's applications of Superdari of the above said vehicle.

8.   In view of what has been discussed above, this petition having no force is **dismissed**.

(GHULAM AZAM QAMBRANI)
JUDGE

Rana M. Ift