

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.2632-S-2018

Zafar Iqbal

Vs.

Learned Sessions Judge, Islamabad-West etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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11.02.2020	Rana Rashid Mahmood, Advocate for petitioner. Mr. Awais Haider Malik, State Counsel with Musthaq Inspector.
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Through the instant petition, the petitioner has challenged order dated 25.06.2018, whereby revision petition filed by the petitioner against order dated 06.06.2018 passed by Judicial Magistrate, Islamabad (West), was dismissed.

2. Learned counsel for the petitioner, *inter alia*, contended that petitioner is bonafide purchaser of vehicle No.RIV9002 Toyota Corolla white color Model 1995 Chassis No.AE101-9529123. It was contended that there are no rival claimants of vehicle in question and the petitioner is bonafide purchaser of the same.

3. Learned State Counsel contended that since vehicle is cut and weld hence permission cannot be accorded to be used by the petitioner.

4. Arguments advanced by learned counsels for the parties have been heard and the documents, place on record, examined with their able assistance.

5. The petitioner seeks superdari of vehicle mentioned hereinabove, which has been found to be cut and weld. The said vehicle is a case property in FIR No.37 dated 04.04.2018 under

sections 420/468/471 PPC registered with P.S. Shams Colony, Islamabad.

6. Report under section 173 Cr.P.C. has been filed and the case property is not required for any further purpose.

7. There are no other claimants of vehicle in question; even-otherwise, the petitioner is the bonafide purchaser and registered owner of vehicle mentioned hereinabove.

8. For the above reasons, instant petition is allowed, subject to furnishing surety in the sum of Rs.1.5 million to the satisfaction of learned trial court.

9. The petitioner shall not transfer the vehicle in question to any other person and also shall use the same for his personal use solely and not for commercial use or otherwise. The petitioner shall be bound to produce the vehicle before learned trial court as and when required during course of trial and in case of failure to do so, law shall take its course.

10. A copy of this order shall also be transmitted to the registration authority for record.

(AAMER FAROOQ)
JUDGE

Zawar