

**IN THE COURT OF SHAUKAT AHMAD KHAN**  
**SESSIONS JUDGE/JUSTICE OF PEACE, ORAKZAI**  
**(AT BABER MELA)**

22-A CASE NO. : 2/4 OF 2023  
DATE OF INSTITUTION : 16.03.2023  
DATE OF DECISION : 04.04.2023

SYED MUHAMMAD S/O SYED QASIM JAAN, R/O KHARKAI PO  
KUREZ, TEHSIL LOWER, DISTRICT ORAKZAI  
.....(PETITIONER )

-VERSUS-

1. STATE THROUGH SHO POLICE STATION KUREZ BOYA,  
DISTRICT ORAKZAI
2. HASHAM KHAN, INVESTIGATION OFFICER, POLICE  
STATION KUREZ BOYA
3. MOHSIN ALI ASI, POLICE STATION KUREZ BOYA
4. MALIK NAJMUL HASSAN S/O JAMAL HASSAN, R/O  
DISTRICT ORAKZAI
5. SYED AKBAR S/O SYED BADSHAH HUSSAIN
6. MOHSIN ALI S/O MOEEN ALI
7. SYED GULAB HUSSAIN S/O SYED AFZAL HUSSAIN

..... (RESPONDENTS)

**Present:** Safdar Iqbal Khattak Advocate for petitioner.  
: Umar Niaz, District Public Prosecutor for State.

U/S: 22-A Cr.P.C

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**ORDER**  
04.04.2023

Syed Muhammad, the applicant seeks registration of  
FIR against the Respondents No. 2 to 7 for the allegations that  
the Respondent No. 4, being influential and political figure,  
due to some personal dispute with the applicant, got  
registered a fake criminal case against the applicant and  
others vide case FIR No. 7 of 19.02.2023 of Police Station  
Kurez Boya through the Respondents No. 2 and 3, the police  
officials of Police Station Kurez Boya, wherein the  
Respondent No. 6 has falsely shown himself as complainant

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
04/04/23

while the Respondents No. 5 and 7 shown themselves as eyewitness of the occurrence. That after arrest of the applicant, the Respondents No. 2 and 3, the police officials at the instance of Respondent No. 4, severely beaten and tortured the applicant during custody and inflicted sever injuries on the different parts of the body of the applicant. That in order to avoid blame of the locality, the Respondent No. 6, being complainant of the case, shown compromised the matter out of the court and recorded his statement before the court; however, the applicant was released on bail on merits. In the above-mentioned circumstances applicant seeks registration of FIR against the Respondents No. 2 and 3 for misusing their powers and authority, beating and causing injury to the applicant during police custody at the instance of Respondent No. 4 and connivance of Respondents No. 5 to 7. That the applicant approached the local police for registration of FIR but of no use. Hence, the petition in hand.

(2). The SHO concerned was directed to furnish his comments which he accordingly did. Placed on file. The record of case FIR No. 7 of 19.02.2023, u/s 379/34 PPC of Police Station Kurez Boya was also requisitioned.

(3). Arguments heard and case file perused.

Perusal of case file shows that the criminal case registered against the applicant and others vide ibid FIR is still subjudice and its falsehood or otherwise would yet to be

Shauk Ahmad Khan  
 District & Sessions Judge,  
 Orakzai at Baber (4)  
 02/04/23

determined; however, with respect to allegations of the torture and causing injury to the applicant by the Respondents No. 2 and 3 during police custody, it is evident from the record of ibid FIR that the applicant along with others, being accused in the said case, have been produced before the court of concerned Magistrate on 20.02.2023 seeking five days police custody of the accused which has been allowed to the extent of applicant and two others for one day subject to pre and post custody medical examination. Accordingly, the applicant has been medically examined in Rural Health Centre Kurez Boya on 20.02.2023 prior to custody and he has been found medically fit; however, the next day on 21.02.2023 after police custody a bruise on the right elbow of the applicant unable to extend elbow joint has been found during medical examination of the applicant. The applicant has also annexed a medical prescription of 01.03.2023 with similar observations of the doctor.

- (5). In view of what is discussed above, the contents of the petition prima facia constitute a cognizable offence regarding which the law on the point as laid down u/s 154 Cr.P.C is, that the SHO concerned, on receipt of information/complaint regarding the commission of offence, is bound to enter the substance of the complaint on the roll of prescribed register and proceed with the case further. Hence, the application is accepted and the Respondent No. 1/SHO Kurez Boya, is

Shaukat A. Khan  
 District & Sessions Judge,  
 Orkzai at Baber Mela  
 24/02/23

directed to register FIR against the Respondents No. 2 to 7 under the relevant provisions of Pakistan Penal Code, 1860 and Police Act, 2017. Needless to mention that in case, the report of the applicant was found false, he may be proceeded against in accordance with law. Copy of this order be sent to SHO concerned. Copy of this order also be sent to DPO, Orakzai with the directions that after registration of FIR, the investigation of the case be conducted through a responsible senior police officer of some other Police Station of District Orakzai. Consign.



**Pronounced**  
04.04.2023

**SHAUKAT AHMAD KHAN**  
Sessions Judge/Justice of Peace,  
Orakzai at Baber Mela