

(3)

IN THE COURT OF ASHGAR SHAH,
SESSIONS JUDGE, ORAKZAI AT HANGU

Syed Tahir Hussain
Versus
Assistant Commissioner, Lower Orakzai etc

Cr. Misc. No.: 01/19
Instituted on: 29-04-2019
Decided on: 30-04-2019

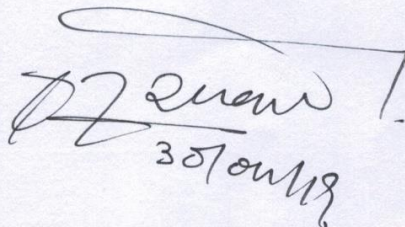
PETITION U/S 491 Cr. P.C.

Order No. 02
30.04.2019

DPP for the state and counsel for the petitioner present.

Farhan, AC/UT present on behalf of AC Lower Orakzai and produced the petitioner alongwith record. Arguments heard and record gone through.

Yesterday, the petition in hand was submitted seeking the recovery of petitioner, Syed Tahir Hussain to the effect that he was confined illegally by the Assistant Commissioner, Lower Orakzai since 25/4/2019 in the sub-jail lower Orakzai at Kalaya. In pursuance of the petition, notices were issued to the respondents and accordingly the petitioner was produced alongwith record. When the record gone through it reveals that one, Israf Khan has submitted an application for recovery of his loan worth Rs. 2,000,000/- against the petitioner. Upon attendance, the petitioner submitted surety bonds but later on his sureties withdrawn their bail bond, and accordingly the petitioner was sent to Judicial Lock-up by the AC, Lower Orakzai. The record further


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reveals that the recovery application was submitted on 12/1/2018 but no proceedings/order sheets were recorded in black and white and even there is no order in respect of the petitioner either of bail or of his recalling of bail.

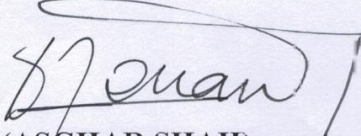
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Since after the abolishment of FCR all the pending cases whether Civil or Criminal have been transferred to the newly established District Courts but surprisingly the case in hand was retained by the AC, Lower Orakzai for the reasons best known to him. After the extension of regular laws and courts to District Orakzai, the Administration at District and Tehsil Level cannot exercise judicial powers. Therefore the case in hand stand transferred from the office of AC, Lower Orakzai to the court of Senior Civil Judge, Orakzai at Hangu forthwith where the petitioner shall be produced today for further proceedings in accordance with law. Petition disposed of accordingly.

Copy of the order be sent to the DC, ACs, Lower and Upper Orakzai with the directions that all civil and criminal cases, if pending, before any of the official of administration of District Orakzai be sent immediately to the undersigned for their onward transfer to the courts of competent jurisdiction.

File be consigned to Record Room of District Hangu after its necessary completion and compilation.

Announced
30.04.2019


(ASGHAR SHAH)
Sessions Judge,
Orakzai at Hangu.

30/04/19