

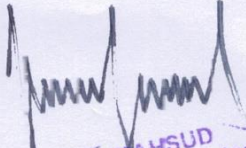
Misc: No. 4/6 of 2019

Or 03
17-06-2019

Present:

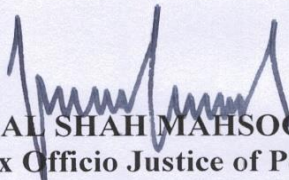
Petitioner along with Shah Hussain Khan Advocate
APP Zohaib Ahmed Sher

1. The petitioner (**Taj Muhammad** s/o Gul Akbar; caste Mishti Khel; r/o Bahadar Banda, District Hangu) has filed the instant petition u/s **22-A CrPC**; with prayer that directions be issued by the undersigned, to the respondent SHO of PS Lower Orakzai (respondent No. 5), for registration of criminal case (FIR) against respondents Subedar Riaz, Muhammad Nawaz, Qismat Khan and Habib (respondents No. 1 to 4) in respect of the alleged cutting and theft of trees belonging to petitioner Taj Muhammad.
2. Comments were sought from respondent No. 5 (SHO Lower Orakzai); however, comments have not been submitted, despite lapse of 7 days. Arguments of the counsel for petitioner were heard and the petition has been perused.
3. Facts of the case are that the present petitioner filed an application, dated 29-04-2019, before the DPO Orakzai; wherein he alleged that, on 18-04-2019, the respondents No. 1 to 4 cut down 27 trees belonging to him from his land situated in Mishti area. This application was marked by the DPO to the DSP Lower, however, no action was taken in the case. Thereafter, the petitioner approached this forum for redressal of his grievance.
4. The perusal of application, given by the petitioner to the DPO Orakzai, clearly sets out and allegation of theft, which is a cognizable offence. In such a situation there was no other option with the local police but to register and FIR in the case.


JAMAL SHAH MAHSUD
Addl. District & Sessions Judge,
Orakzai at Hangu

5. The wordings of section 154 CrPC are very clear. Every information in respect of cognizable offence is required to be entered in the relevant register (FIR Register). After registration of the information, the local police is required to proceed further and investigate the allegation, by collecting evidence in the case – in consultation with prosecution office.
6. In the circumstances, the instant petition is **accepted** and the respondent SHO of PS Lower Orakzai is directed to register the complaint of petitioner Taj Muhammad; and thereafter to proceed further strictly in accordance with law.
7. Let a copy of this order be sent to the SHO of PS Lower Orakzai for compliance. Let separate copies of the same be sent to the DPO Orakzai and to DSP Lower Orakzai for information.
8. This file be consigned to record room after necessary completion and compilation.

Announced
17-06-2019


JAMAL SHAH MAHSOOD
ASJ-I/Ex Officio Justice of Peace
Orakzai (at Hangu)