

IN THE COURT OF ASGHAR SHAH
SESSIONS JUDGE/JUSTICE OF PEACE, ORAKZAI
(AT BABER MELA)

22-A CASE NO. : 12/6 OF 2020
DATE OF INSTITUTION : 15.04.2020
DATE OF TRANSFER-IN : 30.04.2020
DATE OF DECISION : 30.04.2020

KHADIM GUL S/O BADSHAH GUL, R/O GHONDAKI, TEHSIL
UPPER ORAKZAI
.....(PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION UPPER ORAKZAI
.....(RESPONDENT)

Present: Abid Ali Advocate, for petitioner.
: Syed Aamir Shah Additional Public Prosecutor for state.
: Noor Karim Advocate for respondent Zaliman Shah

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

JUDGEMENT
30.04.2020

The petitioner, Khadim Gul through the petition in hand requested for the registration of FIR against one, Zaliman Shah to the effect that on 19.03.2020 when petitioner went to his landed property then he was restrained by means of gun by the said Zaliman Shah from ploughing besides extended threats. That on 05.04.2020, the person Zaliman Shah once again threatened and has asked the co-villagers neither to plough the said fields nor to obtain the same on lease as well as extended threats to tenant of the petitioner. It was alleged that an application was submitted to the local

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police on 06.04.2020 but of no use. Hence the application in hand.

(2). Comments were invited from the SHO concerned which support the version of the petitioner. In order to further clarify the matter Mr. Zaliman Shah was summoned who appeared in person as well as produced his counsel and accordingly APP for the State, counsel for the petitioner and for respondent heard and case file perused.

(3). Mr. Zaliman Shah upon inquiry disclosed that in fact he acted as arbitrator between the petitioner and his brother regarding dispute of landed property and since the petitioner is denying the settlement arrived hence as per riwaj of the tribal area and being elder/malak of the locality he is to see the execution of the settlement arrived on account of arbitration.

(4). The version of the Mr. Zaliman Shah support the version of the petitioner pertaining to interfering and restraining the petitioner from the enjoyment of land owned by him. As such cognizable offence seems to have been committed.

(5). Therefore, in the light of above, petition in hand is accepted and SHO PS Upper Orakzai is directed to register an FIR under the relevant sections of law against Mr. Zaliman Shah. Notice to this effect be issued to the SHO concerned alongwith copy of the order for compliance.

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(6). File be consigned to Sessions Record Room after its necessary completion and compilation.

Announced
30.04.2020



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Orakzai at Baber Mela

30/04/20.

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 30.04.2020



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Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

30/04/20.