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

22-A CASE NO. : 13/6 OF 2020
DATE OF INSTITUTION : 13.05.2020
DATE OF TRANSFER-IN : 16.05.2020
DATE OF DECISION : 16.05.2020

MOBEEN KHAN S/O JUMA DEEN KHAN, R/O MIR KALI KHEL,
BEZOT, JALAKA MELA, LOWER ORAKZAI
.....(PETITIONER)

-VERSUS-

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

Present: Sana Ullah Khan Advocate, for petitioner.
: Umar Niaz District Public Prosecutor for state.

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

JUDGEMENT
16.05.2020

The petitioner, Mobeen Khan through the petition in hand requested for the registration of FIR against twenty-one persons named in detail in para 3 of the petition to the effect that on 29.04.2020, at about 11:00 am, petitioner alongwith other persons named in detail in para 2 of the petition were present and working in their fields. That meanwhile twenty-one persons belonging Akakhel tribe came to the spot and beaten them besides made aerial firing and besieged them for about 2 hours. It was further alleged that the said persons while decamping from the spot has taken away 4 cows of one, Muhammad Saeed and 11 goats of one, Shana Gul besides destroyed the house of the petitioner. It was contented that the

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local police was approached orally and through various applications but of no use. Hence the application in hand.

(2). Comments were invited from the SHO concerned wherein it has been mentioned that in fact, the Bezot tribe of petitioner and that of respondents namely Akakhel tribe are having boundary disputes due to which the petitioner's tribe not only confined some persons from the Akakhel tribe but also murdered and injured one person each from the Akakhel tribe. It was mentioned in the comments that for the said acts of the petitioner's tribe, two FIRs have been registered in PS Lower Orakzai as well as in PS Bara District Khyber. The contention of the SHO was that no such application was submitted to him and that the petition in hand is submitted in order to cross the two FIRs registered against the petitioner's tribe.


(3). The occurrence was alleged by the petitioner on 29.04.2020 whereas on the same date FIR no. 74 u/s 302/324/337-F (2)/148/149 PPC was registered in PS Bara District Khyber against the petitioner's tribe. The late submission of the application seconds the contentions of the SHO pertaining to the crossing of the murder case. Otherwise too, if the petitioner or his tribe has any version of their own, they are at liberty to record the same by joining the investigation in the above-mentioned murder case. The prima facia malafidy of the petitioner is apparent on the record

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which do not necessitates for the order in his favour.
Accordingly, for the stated reasons petition in hand stand
dismissed being meritless.

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


Announced
16.05.2020


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CERTIFICATE

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

Dated: 16.05.2020


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Orakzai at Baber Mela
16.05.20.