

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

MISC CRIMINAL PETITION NO.: 04/06 OF 2019
DATE OF INSTITUTION : 10.08.2019
DATE OF TRANSFER : 17.08.2019
DATE OF DECISION : 21.08.2019

MOLVI MUHAMMAD JALIL ALIAS PACHO MULA S/O MISRI
KHAN R/O CASTE MAMOZAI MIR KALAM KHEL JABAR
NAWASI ORAKZAI PRESENTLY CENTRAL JAIL BANNU

.....(PETITIONER)

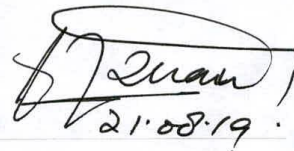
-VERSUS-

1. DPO UPPER ORAKZAI

..... (RESPONDENT)

ORDER
21.08.2019

The petitioner was convicted U/Sec 121/121-A/122 PPC and 11/40 FCR by the Assistant Political Agent Upper Orakzai vide order dated 19.03.2018 and was awarded punishment for 14 years R.I with fine of Rs.50,000/- and in default thereof to suffer 3 months S.I. An appeal was preferred before the Commissioner FCR Kohat but during the pendency of appeal FCR got abolished and accordingly the appeal was transferred to the Peshawar High Court, Peshawar. The Peshawar High Court Peshawar while disposing of the criminal appeal no. 434-P/2019 vide order dated 24.06.2019 passed following remarks in para two of the judgement;

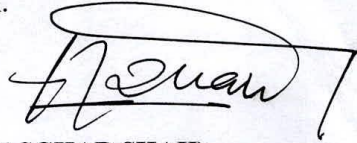

21.08.19

“2. Having so, let the District Police Officer of the District Orakzai, challan the accused-appellant positively within 10 days after the receipt of this order if at all there exists a criminal case against him whereafter, the appellant may seek bail before the competent court which shall surely decide it on merits. If the District Police Officer Orakzai fails to register such criminal case against the appellant within said period then he shall be released on bail by the learned Sessions Judge on furnishing bail bonds to the tune of Rs.3,00,000/- (Rupees three lac) with two sureties each in the like amount to the satisfaction of said learned court.”

2. Petition in hand is submitted to the effect that no criminal case till date is registered against the petitioner as per judgement of the High Court hence he be released by accepting the bail bonds as laid down in the above mentioned dictum of the High Court. However, it is necessary to mention here that as per decision of the High Court, the SHO Police Station Upper Orakzai, Ghiljo has registered a criminal case through FIR no.8 dated 30.07.2019 U/Sec 121/121-A/122 PPC and section 7 of The Anti-Terrorism Act. Therefore, the petitioner is supposed to approach the court of ATC for the purpose of bail as the present court lacks jurisdiction with regard to the subject matter. Petition in hand stand dispose of accordingly.

[Signature]
21.8.19

3. File be consigned to Sessions Record Room
after its completion and compilation.



(ASGHAR SHAH)
Sessions Judge, Orakzai
at Baber Mela

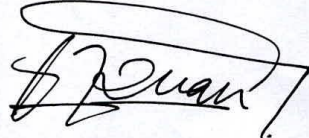
21-08-19

Announced
21.08.2019

CERTIFICATE

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

Dated: 21.08.2019.



(ASGHAR SHAH)
Sessions Judge, Orakzai
at Baber Mela

21-08-19