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IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUSTICE OF PEACE
ORAKZAI, AT BABAR MELA

Cr. Miscellaneous Application No.12/4 Of 2023

Zia Ullah vs SHO Daboori.

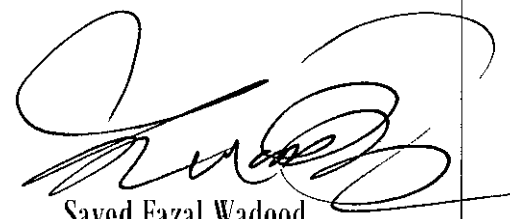
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	31/05/2023	<p>Petitioner in person along with counsel and APP for the State are in attendance. Comments of SHO Police Station Daboori have already been received and arguments heard. This is the disposal of petition submitted under Section 22-A of the Code of Criminal Procedure, 1898.</p> <p>2. Petitioner Zia Ullah son of Mustafa, permanent resident of Qaum Mishti, Tappa Mamizai, Orakzai contends that he was busy in grazing goats in the hilly area of Sampog. On way back, respondents intercepted him at Badshahi Laar area and restrained him from utilizing the area as passage. The exchange of hard talks converted into quarrel. They have beaten them and moved to DHQ Hospital Mishti Mela. He was medically examined. The SHO of Police Station Mishti Mela is not lodging FIR that necessitated presentation of instant petition which is under consideration.</p> <p>3. Comments of Station House Officer of Police Station Mishti Mela, Orakzai have been received; wherein, he stated that the incident had taken place in the criminal jurisdiction of Police Station Daboori which is out station of their territorial limits. Consequently, the SHO PS Daboori was asked to, submit comments which were furnished accordingly. Learned counsel for petitioner as well as APP for State have been heard at length.</p>

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4. Record available on file reflects that the SHO Police Station Daboori has confirmed the happening of alleged incident. The registration of FIR was reportedly assigned reason of non-production of medical documents by petitioner. It is well settled notion of the Law that once the allegation with respect to the commission of a cognizable offence is communicated to the Police, the Police is duty bound to register a case; and, in case of refusal or delaying tactics, the aggrieved person is well within his rights to recourse to petition under Section 22A of Code of Criminal Procedure, 1898. The story narrated in the contents of petition read with the comments of SHO concerned are information leads to the conclusion that a cognizable offence is discernible. The information disclosed by the applicant constitutes cognizable offence.

5. For what has been discussed above, by attracting jurisdiction u/s 22-A of the Code of Criminal Procedure, 1898, petition in hand stands allowed. Consequently, SHO of Police Station Daboori is directed to register report of the petitioner under the relevant provision of law against respondents mentioned above and to proceed further in accordance with law. File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced in open Court
31/05/2023



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela