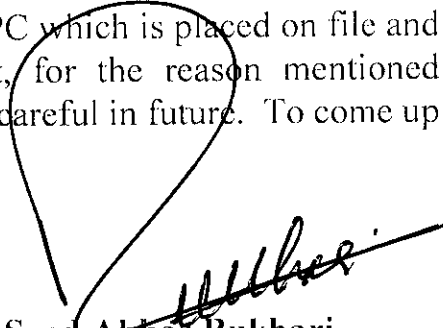


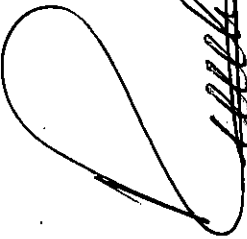
Or-----04  
12.04.2023

SHO PS Daboori in person present. SHO PS Daboori submitted reply to the show cause notice u/s 175 PPC which is placed on file and application for cancellation of warrant, for the reason mentioned therein. Warrant stands cancelled and be careful in future. To come up for order on 18.04.2023.

  
Syed Abbas Bukhari,  
Judicial Magistrate-II,  
Tehsil Court Kalaya, Orakzai

Order--05  
18.04.2023

1. APP for the State present. SHO PS Dabori not present.
2. Vide this order, I intend to dispose of the instant Show Cause Notice, previously issued to SHO PS Dabori, under section 175 PPC.
3. Brief facts of the case are that previously this court in connection with two bail applications titled as "*Muhammad Zeeshan Vs State*" and "*Muhammad Abbas Vs State*", had issued notices on 22.03.2023, for requisitioning record of Case FIR no. 05 and Case FIR no.06 dated: 17.03.2023. However despite repeated directions and notices, the local police of PS Dabori failed to produce the requisitioned record. Hence accordingly this court had no other option except to issue instant show cause notice u/s 175 PPC to SHO PS Dabori, for the reason that prior to this the local police of PS Dabori also displaced reluctance and unexplained delay in production of record in other bail applications as a matter of routine. After issuance of notice on 24.03.2023, the case in hand was fixed for attendance and reply of SHO on 31.03.2023 but on 31.03.2023 neither the SHO appeared before the court nor his written reply to instant show cause notice was received. Accordingly this court issued another notice to SHO PS Dabori and fixed the case for his appearance and submission of reply on

  
SYED ABAS BUKHARI  
18-04-2023  
Tehsil Court Kalaya

Continue. 05

06.04.2023. On 06.04.2023 SHO PS Dabori once again failed to appear before this court and accordingly NBWs for his arrest as well as attachment of his salary orders were issued by this court and copy of the same was also sent to DPO Orakzai and thereafter the case was fixed for 12.04.2023. On 12.04.2023, SHO PS Dabori appeared before this court in person and submitted his written reply as well as application for cancellation of his arrest warrants.

4. Now on perusal of the available record, it has been noticed that in reply to instant show cause notice, SHO PS Dabori has stated that the notice issued by this court was not received within time, due to which local police of PS Dabori was unable to produce the requisitioned record before this court in time. However this stance of SHO in his reply is in contradiction with the ground realities, for the reason that the words "despite repeated directions through Naib Court" have been specifically mentioned in Show Cause notice, which suggest that besides issuance of notices, the local police of PS Dabori was also time and again telephonically directed through naib court for production of said record. On the other hand the conduct of SHO PS Dabori is also very much clear in pursuing instant show cause notice, as he was directed to submit his written reply within 07 days of issuance of instant Show Cause Notice i.e. on 31.03.2023 but he neither appeared before this court in person nor submitted his written reply and accordingly attachment of his salary orders as well as NBWs were issued against him and finally he appeared before court on 12.04.2023, after about 19 days of issuance of show cause notice and furthermore, no valid reason or sufficient cause of his non-appearance has been explained by SHO PS Dabori before this court.

*[Handwritten signature]*  
18-04-2023

5. It is also pertinent to mention here that as per National Judicial Policy, set forth by august Supreme Court of Pakistan, a court of Magistrate has to dispose of bail

Continue DS

application within 03 working days from its institution. Hence all the stake holders including the police are equally responsible for the implementation of said policy and in case of any negligence or disregard to said policy, the delinquent officer/official has to explain his position and further he is to be dealt in accordance with law. In present case, both the abovementioned bail applications were not decided within the time frame, specified in National Judicial Policy, due to the negligence on the part of Local police of PS Dabori in general and SHO PS Dabori specially.

- 6. Furthermore, as stated earlier the reply as well as conduct of SHO PS Dabori is not satisfactory and he failed to explain any valid reason or sufficient cause for non-production of record, within time, in bail applications as well as his non-appearance before this court and late submission of his written reply to instant show cause notice.

However, this court by taking lenient view and by providing a very final opportunity and warning to SHO PS Dabori as well as local police of PS Dabori, to mend their ways and bring positive changes in their conduct as well as in performance of their lawful duties.

- 5. Copy of this order be sent to DPO Orakzai at Baber Mela, with the directions to issue proper and strict directions to the police of District Orakzai in this regard at his end with intimation to this court. Furthermore, this court by granting final opportunity and warning, direct SHO PS Dabori to be careful in future otherwise law will make its own course.

In light of the above discussion, instant Show Cause Notice issued under section 175 Cr.P.C is hereby filed without further proceedings. File be consigned to the record room after its necessary completion and compilation.

Announced  
18.04.2023

**Syed Abbas Bukhari**  
JM-II, Kalaya, Orakzai.