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

Cr. Miscellaneous Application No.15/4 Of 2023

Haji Rehman vs SHO Mishti Mela.

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	14/06/2023	<p>Petitioner in person along with counsel and APP for the State are in attendance. Comments of SHO Police Meshti Mela 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 Haji Rehman son of Khan Haider, resident of Qaum Mishti, Tappa Darvi Khel, Orakzai on 6th of May, 2023 at about 11:00 AM had noticed the accused party working in the landed property (fields) located near the dwelling house of the petitioner. Petitioner alongwith police party asked them to stop their work as the property is subject matter of civil suit; wherein, the Court has issued injunctive order which is intact. The accused Itbar Khan, Saja Khan and Shanzaib have beaten him and others followed by shifting to DHQ Hospital Mishti Mela. They were medically examined and treated. The Police party had witnessed the incident but despite that, 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 Meshti Mela which has been</p>

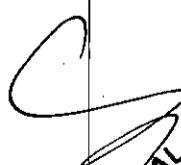

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pen downed vide DD No.15 dated 06.05.2023. Inquiry has been initiated and the matter has been referred to the Office of District Public Prosecutor, Orakzai for opinion. Learned counsel for petitioner as well as APP for State have been heard at length.

4. Record available on file reflects that the SHO Police Station Meshti Mela has confirmed the happening of alleged incident. The non-registration of FIR was reportedly assigned reason of pending legal opinion. 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 and Police were required to incorporate the same by bringing criminal law into motion.

5. It is worth mentioning that promptness in reporting the incident and registration of the case is the matter of pivotal importance in the criminal justice system. The District Police Officer, Orakzai is directed to ensure curbing delay in the registration of cases in the District. The copy of this Order shall be sent to the Office concerned for devising the strategy for future course of action.

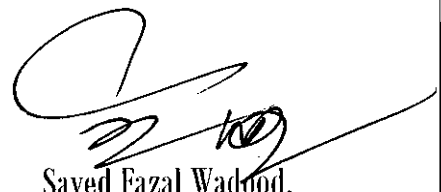

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6. For what has been discussed above, by attracting jurisdiction u/s 22-A of the Code of Criminal Procedure, 1898, petition in hand stands allowed. Consequently, SHO of Police Station Meshti Mela is directed to register report of the petitioner under 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

14/06/2023



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