

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-
II/JUSTICE OF PEACE ORAKZAI AT BABAR MELA**

Cr. miscellaneous application No.02/6 Of 2021

Lal Jan vs SHO

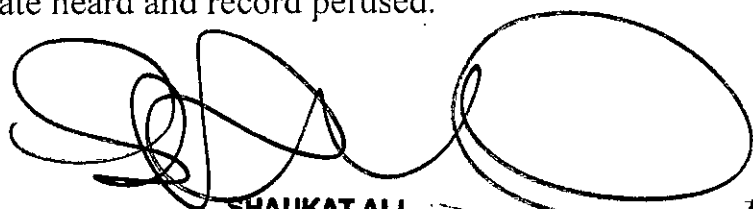
ORDER
15.03.2021

Mr. Abid Ali advocate counsel for petitioner present. Mr. Amir Shah APP for the state present. Comments/report of the SHO received and placed on file.

The petitioner Lal Jan s/o Abdur Rahim r/o Tribe Ali Khel Tappa Sher Khel Alaf Khel village Turab Garhi District Orakzai seeks to invoke the jurisdiction of this Court u/s 22-A Cr. PC for issuing directions for registration of FIR against respondents namely Raheem s/o Gulab, Ayaz s/o Gul Khan, Dosti Khan s/o Shareef Khan and Saif Ullah S/o Dosti Khan.

The contention of the petitioner in his application is that the respondents forcibly entered upon his property along with a tractor and started ploughing in his property, that when the petitioner reached to his property after receiving information, there the respondents Raheem and Ayaz took their pistol and extended life threats to the petitioner by aiming their pistols upon him and also abused him, that the petitioner approached the local police for report but no action was taken against the respondents. The petitioner invoked the jurisdiction of this Court u/s 22-A Cr.P.C seeking directions of this Court for registration of FIR against respondents.

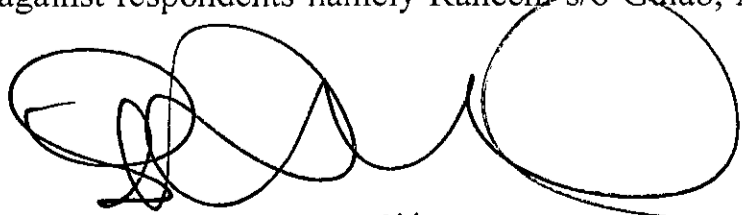
Arguments of learned counsel for the petitioner and learned APP for the state heard and record perused.



SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

The contents of instant application would evince that the respondents entered into the property in the possession of petitioner along with tractor and ploughed the property of petitioner with the said tractor and also intimidated the petitioner by aiming pistol on the petitioner. The respondents are also charged by the petitioner for abusing him and extending life threats to him. The contents of petition shows the commission of cognizable offence by the respondents for which the SHO was bound to register FIR. The SHO submitted in his comments that the petitioner neither approached the PS for report nor any application of the petitioner for report is available on record of the PS, however the record shows that the petitioner on 22.02.2021 submitted application to DPO Orakzai which was marked to SDPO upper Orakzai for necessary action as per law but no action has been taken on that application. The SHO PS upper Orakzai failed to take action on the report/application of the petitioner who is bound under the law to take action in case of report of cognizable offence. The occurrence was also brought in the notice of DPO Orakzai through an application submitted by the petitioner but there the grievance of the petitioner was also not redressed, therefore in such circumstances the petitioner had no other option but to invoke the jurisdiction of this court u/s 22-A Cr.PC for registration of FIR against the respondents.

As sequel to the above discussion the instant petition u/s 22-A Cr.PC is accepted and the SHO PS upper Orakzai is directed to register FIR against respondents namely Raheem s/o Gulab, Ayaz

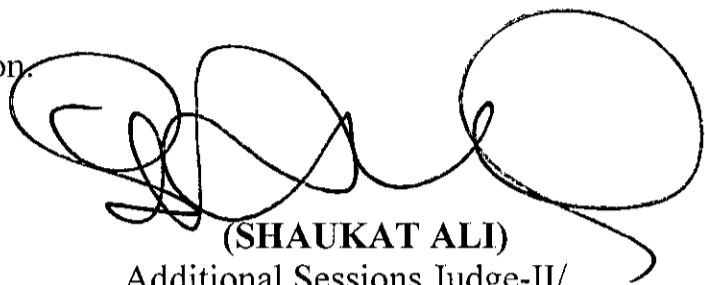


SHAUKAT ALI
Addl: District & Sessions Judge-II,¹
Orakzai at Hangu

s/o Gul Khan, Dosti Khan s/o Shareef Khan and Saif Ullah S/o Dosti Khan forthwith without any further delay. The copy of this order along with petition u/s 22-A Cr, PC be sent to the SHO PS concerned for compliance. The copy of FIR be sent to this court.

File be consigned to District Record Room after necessary completion and compilation.

Announced
15-03-2021



(SHAUKAT ALI)
Additional Sessions Judge-II/
Justice of Peace,
Orakzai at Babar Mela