

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUSTICE OF PEACE, ORAKZAI
(AT BABER MELA)

22-A CASE NO. : 8/4 OF 2023
DATE OF INSTITUTION : 05.07.2023
DATE OF DECISION : 17.07.2023

MUHAMMAD ISLAM D/O KHIAL BAHADAR, R/O CASTE RABIA
KHEL, KHI KADA, GHILJO, DISTRICT ORAKZAI
..... (PETITIONER)

-VERSUS-

1. ZALIMAN SHAH S/O GUL MAN SHAH
2. NAZEER MAN SHAH S/O GUL MAN SHAH
3. PEHLAWAN SHAH S/O ZALIMAN SHAH
4. EID SHEERIN S/O GUL SHEERIN
ALL RESIDENTS OF KHI KADA, GHILJO, DISTRICT ORAKZAI
5. ASSISTANT DIRECTOR MINERAL DISTRICT ORAKZAI
6. SHO POLICE STATION GHILJO
..... (RESPONDENT)

Present : Zahoor Ur Rehman Advocate for petitioner
: Umar Niaz, DPP for the State.

U/S: 22-A Cr.P.C.

ORDER
17.07.2023

DPP, Umar Niaz for the state present. Petitioner,
Muhammad Islam along with his counsel present. Respondents
no. 1 to 4 not present. Comments of the SHO concerned received.

- (2). Petitioner, Muhammad Islam seeks registration of FIR
against respondents no. 1 to 4 namely, Zaliman Shah, Nazeer Man
Shah, Pehlawan Shah and Eid Sheerin for the allegations that the
petitioner is the lease holder of Ghoz Sra Bara District Orakzai
while respondents no. 1 to 4 having got no concern with the leased
area, are used to obstruct the mining activities and intimidate the
workers on the spot and that on 08.02.2023 at about 1000 hours at
a coal mine situated at Sra Bagha District Orakzai, the petitioner
was obstructed and criminally intimidated by respondents no. 1 to 4

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and that the petitioner has approached the high-ups of respondents no. 6, the SHO concerned, through respondent no. 5 but of no use.


Hence, the petition in hand.

(3). Comments of the concerned SHO were called, who accordingly submitted his report wherein he has stated that despite being called to the police station, the petitioner has failed to appear.

(4). It is evident from the available record coupled with comments of respondent no. 6 that most of the allegations levelled in petition are general in nature except the alleged occurrence of 08.02.2023 at 1000 hours at coal mine situated at Sra Bagha District Orakzai; however, when counsel for the petitioner was confronted with the situation that no report of the matter has been made to the concerned SHO, he submitted that for the time being he does not press the application and he may be allowed to approach the SHO concerned and report the matter. The request of the petitioner is allowed. The instant petition is disposed of as withdrawn by the petitioner with the directions to approach the SHO concerned and report the matter. Needless to mention that the SHO concerned is bound to proceed with the matter in accordance with law as prescribed u/s 154 or section 155 CrPC.

Consign.


Pronounced
17.07.2023


SHAUKAT AHMAD KHAN
Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

CERTIFICATE

Certified that this order consists of two (02) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 17.07.2023


SHAUKAT AHMAD KHAN
Sessions Judge/Justice of Peace,
Orakzai at Baber Mela

