

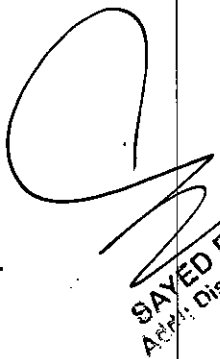
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUSTICE OF PEACE**  
**ORAKZAI, AT BABAR MELA**

**Cr. Miscellaneous Application No. 20/4 Of 2023**

Ashraf Ali vs SHO Kurez Boya and others.

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	08/08/2023	<p>Petitioner in person along with counsel and APP for the State are in attendance. Respondent Nazim Ali is also in attendance who was heard in person. Comments of SHO Police Station Kurez Boya 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 Ashraf Ali son of Muhammad Nabi, resident of Qaum Mani Khel, Tappa Bada Khel, Orakzai, reportedly, on 16<sup>th</sup> of July, 2023 at about 05:00 PM while returning home from mosque was subjected to firing by the Respondents No. 2 to 5. He along with minor were luckily escaped. The respondent threatened him either to leave the area or be ready for facing death. The matter was reported to local police but request of lodging FIR was turned down on the pretext that accused party (Respondent No.2) has already been booked in case FIR No. 24 dated 09-07-2023 registered under 3/4 of Explosive Substance, Act read with 427 of Pakistan Penal Code, 1860. Application has been presented to the District Police Officer which was marked to the SHO concerned for necessary action but in vain. SHO of Police Station Kurez Boya is not lodging FIR that necessitated presentation of instant petition which is under consideration.</p>

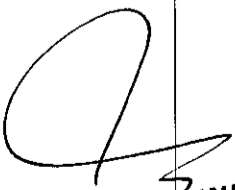


**SAYED FAZAL WAJID**  
Additional District & Sessions Judge  
Orakzai at Hangu

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3. Comments of Station House Officer of Police Station Kurez Boya, Orakzai have been received; wherein, he stated that the Respondent No. 2 has already been booked in FIR No. 24 dated 09-07-2023. The incident agitated has not been brought in the notice of local police and that petition is baseless. 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 Kurez Boya has not denied the happening of alleged incident in clear terms by showing no knowledge of it. The non-registration of FIR was reportedly assigned reason of earlier FIR registered on 09-07-2023. 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. Similarly, the incident alleged in instant petition is of 16-07-2023 and is independent happening from the incident reported in FIR No. 24 dated 09-07-2023 and thus cannot be based for refusal.

  
**SAYED FAZAL WADOOD**  
District & Sessions Judge  
Orakzai Hangu

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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 Kurez Boya 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  
08/08/2023

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