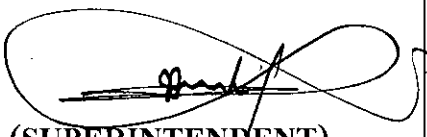



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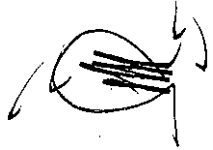
IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Muhammad Wali VS State

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
Superintendent Note	16.08.2023	Revision Petition presented by counsel, Sanaullah Khan Advocate to the office of Superintendent. Be put up before Honorable Sessions Judge/ Duty Judge, Orakzai, for further orders, please.  (SUPERINTENDENT) To District & Sessions Judge, Orakzai at Baber Mela.
Order No.01	16.08.2023	Register. APP, Nisar Ahmad for the State and Sana Ullah Khan Advocate for petitioner present. Record requisitioned which was produced by Mr. Hashim Khan, the investigation officer along with the accused. Impugned herein is the order dated 16.08.2023 of learned Judicial Magistrate-I, Orakzai vide which 01-day police custody of the accused namely, Muhammad Wali has been granted in case FIR No. 13, Dated 16.03.2023, u/s 9 (d) CNSA of Police Station Kurez Boya. It is evident from the record that the accused is charged in the above-mentioned case on the basis of allegations that he was transporting 13000 grams of chars. As per available record, the accused/petitioner has allegedly made his escape good from the spot and his name has later on been known to the police. The accused has been arrested on 15.08.2023 at 1630 hours and till date he is in police custody. He has been produced before


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
16/08/23

(3)

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Contin. Order No.01		<p>the court of learned Judicial Magistrate with application for grant of 03-days police custody which has been allowed for 01-day.</p> <p>The law on the point for detention of the accused in police custody is detailed under clause 2 and 3 of section 167 CrPC where the Magistrate is empowered to authorise the detention of accused in police custody from time to time for a term not exceeding 15-days in the whole subject to recording of reasons for doing so. In the instant case, the recovery has already been allegedly effected and the accused has remained in police custody for the last more than 20 hours. Neither the application submitted by the police for custody of the accused states the reasons for detention of the accused in police custody nor the learned Magistrate has given reasons for allowing the detention of the accused. The investigation officer present before the court also failed to point out any reason for detention of the accused in police custody.</p> <p>Hence, on acceptance of the instant revision petition, the impugned order dated 16.08.2023 of the learned Magistrate is set aside. Accused be sent to judicial lock-up and be produced before the concerned court on 30.08.2023.</p> <p>Pronounced: 16.08.2023</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela</p>

