

(4)

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

Cr. Miscellaneous Application No.4/4 Of 2021

Muhammad Ibrar vs SHO etc

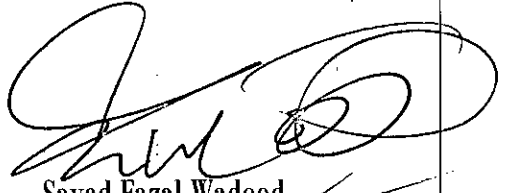
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No.5	26/10/2021	<p>Petitioner Muhammad Ibrar through counsel and Mr. Amir Shah APP for the State are in attendance. Arguments have already been heard; whereas, this is the disposal of petition submitted under Section 22-A of the Code of Criminal Procedure, 1898.</p> <p>2. Muhammad Ibrar son of Abdul Wahid resident of Mishti, Tappa Haider Khel, Post Office Raisan Chappar Mishti Central Orakzai reported the incident of theft in his dwelling house against Afzal Khan, Muhammad Akbar, Wali Ullah, Bakhtiyar Akbar, Shakir and Zahid Ullah of Qaum Mishti. The report was reduced into writing in shape of Daily Diary bearing No.6 dated 6th March, 2021. A list of missing items have been annexed with the application presented to District Police Officer Orakzai with request of registration of FIR but was not acted that obliged petitioner to knock the door of Court in petition under Section 22-A of the Criminal Procedure Code 1898.</p> <p>3. Comments of Station House Officer of Police Station Kalaya, Orakzai have been received and learned counsel for petitioner as well as APP for State have been heard at length.</p> <p>4. Record available on file reflects that the incident reported by the present petitioner to local police has already been reflected in Daily Diary No.6 dated 06-03-2021. The</p>


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

contention of Police is that the matter was probed and no one was available to testify the occurrence that led local police to file the inquiry without further proceeding and termed it as unverified. Admittedly, allegations of theft and destruction of variable property constituted commission of cognizable offense calling for registration of FIR by the Police. In case of failure on part of Police to perform its duty, this Court is empowered to issue appropriate directions to the Police on complaint regarding non-registration of Criminal Case. Resolution of factual controversies falls within the ambit of investigation but the same cannot be based for non-registration of case.

5. For what has been discussed above, the petition 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
26-10-2021


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