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

Cr. Miscellaneous Application No.8/4 Of 2022

Marwar Ali 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 4	11/03/2022	<p>Petitioner Marwar Ali and Mr. Javid Akhtar Wazir Sr.PP 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. Petitioner Marwar Ali son of Faqeer Hussain resident of Qoum Mani Khel Tappa Esa Khel village Ahmad Khel Tehsil Lower of District Orakzai reported the incident of beating, extending life threats and use of abusive language; wherein, the application presented to SHO PS Kalaya 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 Sr.PP for State have been heard at length.</p> <p>4. The contention of Police is that the matter was probed and petitioner has been detected to have no nexus with the sale purchase of property that led local police to file up his application. Admittedly, allegations of beating, extending life threats and use of abusive language</p>

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

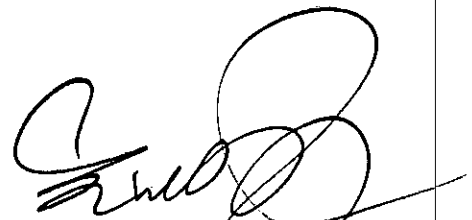
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constituted commission of cognizable offense on the face of it, calling for registration of FIR by the Police. In case of failure on part of Police to perform its duty, this Court is empowered to issue appropriate directions to the Police on complaint 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 Kalaya 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

11-03-2022



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