

5

IN THE COURT OF **ABDUL BASIT,**
ADDITIONAL SESSION JUDGE-II, ORAKZAI

Order---06

Petitioner in person along with counsel is present.

14.09.2024

Iftikhar Ahmed, DyPP, for the state is present.

Respondents no. 1 in person is present and rest are absent.

My order is aimed to decide petition filed by Gul Ajab Khan son of Noor Muhammad r/o Lak Kanry, Quom Sheikhan presently Jarma Kohat, the petitioner, against Shafeel, SHO Central Mishti Mela, Police Station Orakzai and three others, the respondents, u/s 22-A of CrPC for taking legal action against respondents no. 1 & 2 due to neglect, failure and excess committed by a police authority in relation to its functions and duties.

Petitioner alleged that he is the law abiding citizen; that he had filed a civil suit before the court of learned Civil Judge-II, Kalaya, Orakzai, which was decreed in his favour and in this respect he had filed an execution petition, wherein, on 29.07.2024 learned executing court issued warrant of possession through bailiff of the court assisted by the local police; that on direction of bailiff, on 30.07.2024 he visited the police station, where respondent no. 1 maltreated him, warned to drag him into a false case and threatened him to kill; that he was also demanding money from a person on call with him with assertion that he will not abide the court order; that after lapse of considerable time, he called upon respondent no. 2, whereat, they had left for the spot, however, judgment debtor/Shahen was not present there; that then he had went to the house of Abdul Mateen, met him and returned from there saying to police official that he had achieved the goal and informed that Shireen is not ready to deliver possession of the property, whereat, respondent no. 2 stopped him from further progress in return, criminally intimidated him and warned to leave the place else he would suffer a huge loss; that he has filed an application to DIG and forwarded its copy to DPO, Orakzai but in vain; therefore, he has prayed to direct respondent no. 3 to take action against respondents no. 1 & 2.

ayy
Ull
14/9/2024
Abdul Basit
Addl: District & Sessions Judge-II
Orakzai at Baber Mela,
Hangu

6

IN THE COURT OF **ABDUL BASIT**,
ADDITIONAL SESSION JUDGE-II, ORAKZAI

Contd: 06

14.09.2024

On receipt of complaint, comments were sought & respondents were summoned. Comments received denying all facts of complaint.

Arguments heard and record perused.

Without dilating the merits of the complaint, it is held that S. 66 of The Police Act, 2017, the Act, clearly provides regarding the Establishment of Regional Police Complaint Authorities, which says that the Government shall establish Regional Police Complaint Authorities on regional basis for enquiring into complaints of police excesses, other than relating to investigations, against all police officials up to the rank of Assistant Superintendent of Police or Deputy Superintendent of Police. Likewise, S. 67 of the Act explicitly provides the composition of each Regional Police Complaint Authority, the authority, whereas, S. 69 of the Act provides its functions, which empowers the authority to receive from any aggrieved person in writing on an affidavit or from the chief minister etc. complaint of police excesses and to process it in accordance with S. 70 of the Act. Since the allegations levelled by petitioner against respondents no. 1 & 2 amount to the alleged excess committed by them, for which there is separate proper forum available to address the grievances; therefore, petition being not maintainable is **dismissed**.

Copy of this order is sent to DPO Orakzai with direction to take notice of high handedness of the local police and take proper action against the delinquent officials as per law.

File consigned to record room after necessary completion and compilation.



Announced
14.09.2024

(Abdul Basit)
Addl. Sessions Judge-II/Justice of Peace,
Orakzai