

Or 03
13-02-2020

Present:

Petitioner along with counsel

Comments of respondent DPO not received. The Naib Court informed that the DPO has requested for some time to submit comments. Allowed. The comments shall positively submit before this forum on or before 18-02-2020. The respondents no. 2 and 3 shall also be noticed for date fixed.


Jamal Shah Massood

Misc: No. 9/6 of 2020 Orakzai

Or 04
18-02-2020

Present:

Petitioner Noor Zali Shah, along with Imtiaz ul Haq Shinwari advocate

Comments of DPO received and placed on file

1. The petitioner **Noor Zali Shah** s/o Niaz Badshah, r/o Khwaja Khizar Orakzai, has filed the instant petition u/s **22-A CrPC** with prayer that directions be issued by the undersigned, to respondent No. 01 (DPO Orakzai), for registering an FIR against Nazrab Shah s/o Haider Shah and Ali Akbar s/o Laiq Shah (respondents No. 02 and 03), for committing murder of Hazrat Bilal (a son of petitioner).
2. The gist of allegations made by present petitioner in his application filed before DPO Orakzai, dated 01-02-2020, are; that, on 01-12-2019 at 10:30 hrs., his son Hazrat Bilal was murdered by accused/respondents (Nazrab Shah and Ali Akbar) with firearm, while his deceased son was working in a coalmine at that time; that the murder of his son was committed in presence of M. Alam and Anar Gul; that on the same day one Ismail, a brother of these accused/respondents,

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- had also committed murder of his sister Shad Bibi inside their house. The petitioner further alleged that the local police had registered a single FIR (FIR no. 41 dated 01-12-2019 u/s 302 etc. of PS Lower Orakzai) in respect of both these murders (of Shad Bibi and Hazrat Bilal), in connivance with the accused/respondents; that the local police had conducted false investigation and kept the petitioner in dark despite repeated requests for separate FIR in the case of murder of Hazrat Bilal.
3. Comments of respondent DPO were called for, which were received and placed on file. The DPO has stated in his comments that an FIR in respect of both the murders was registered and investigation in the case was concluded, wherein statement of present petitioner was also recorded u/s 161 CrPC; that the present petitioner did not charge any other person, except Ismail, during investigation of the case.
 4. Arguments of counsel for petitioner heard and available record perused.
 5. As it is admitted fact of the case that an FIR in respect of murder of Hazrat Bilal has already been registered. Therefore, no second FIR in respect of the same murder can be registered. As such the instant petition is not tenable and the same is **dismissed**.
 6. Let this file be consigned to record room after necessary completion and compilation. Order announced.

Announced
18-02-2020


(JAMAL SHAH MAHTOOD)
ASJ-I/ex-officio Justice of Peace,
Orakzai