

Case Title: State VS Abdul Ghafar

Or.....01  
24/01/2020

1. Case file (Record) transmitted from the office of Deputy Registrar Peshawar High Court, Peshawar, vide letter No. 6416/Judl: Dated: 18/01/2020, to The District and Session Judge Orakzai. Consequently, instant Case file (Record) Received to the court of undersigned upon the directions of Hon'ble District and Session Judge Orakzai for necessary actions.

2. Brief facts of the case are that accused Abdul Ghafar was arrested by security forces and was handed over to Political Administration Orakzai for necessary legal action Under FCR 1901 (Amended 2011). Upon which case was registered against the accused, by then, in the court of APA/ADM U/Orakzai U/S 121,121A &122 PPC R/W 11/40 FCR.

3. Accused was convicted and sentenced; *Vide Order in Case No. 235/2013 instituted on 11/10/2013 and decided on 06/04/2016 in the court of then APA/ADM U/Orakzai*, to 05 years RI and fine of Rs. 50,000/- failing which he was ordered to undergo 06 months of SI. Benefit of section 382B Cr.P.C was also extended to him.

4. Accused/Convict approached to the Court of Commissioner FCR, Kohat Division, Kohat, who Vide Order Dated: 15/03/2018 in Appeal No. 196/2017 remanded the case to the trial Court for compliance of Sec. 11(03) (b) of FCR. Aggrieved from the order of Learned Commissioner FCR Kohat, Accused/Convict filed Criminal Revision No. 206-P/2019 before the Hon'ble High Court Peshawar, decided on 10/01/2020.

5. Hon'ble High Court Peshawar **allowed** the criminal revision of Accused/Convict and Order Dated: 06/04/2016 of Learned APA/ADM

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U/Orakzai and that of Learned Commissioner FCR Kohat, Dated: 15/03/2018 were set aside and Accused/Convict was **ordered** to be **acquitted** of the charges levelled against him. (Copy of Order/Judgment is placed on file).

6. In pursuance of letter No 6115/Judl: Dated 13/01/2020 of Additional Registrar Judicial(Judicial) Peshawar High Court Peshawar "Release Warrant" in the light of the order/Judgement of August Peshawar High Court, Peshawar, to Superintendent, Sub Jail, Orakzai at Baber Mela, Hangu was also issued for compliance on 14/01/2020. (Copy of Release Warrant is placed on file).

7. As FCR 1901 (Amended 2011) is no more in field. The court of Assistant Political Agent/Additional District Magistrate also does not exist anymore. Courts of Judicial Magistrate are establishment in the erst-while FATA and are functional.

8. Muharrir of this court is directed to register and disposed of the instant case file in the register of Criminal Miscellaneous on the same day and consign instant Case file along with the record of the court of then Assistant Political Agent/Additional District Magistrate to the record room after necessary completion and compilation.

Announced:

24/01/2020

Muhammad Imtiaz  
Civil Judge, JM-II  
Orakzai at (Babar Mela)

MUHAMMAD IMTIAZ,  
JM-II/MTMC,  
ORAKZAI