

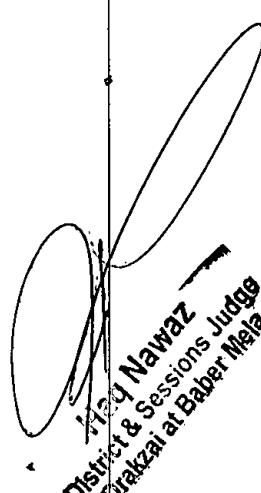
(4)

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State

vs Ibrahim etc

FIR no. _____, Dated: _____, U/S _____; PS _____

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.07	15.12.2025	<p>Sr. PP, Abul Qasim for the State present.</p> <p>Arguments heard. Case file be put up for order on 17.12.2025.</p> <p style="text-align: right;"> HAQ NAWAZ Sessions Judge, Orakzai at Baber Mela</p>
Order No.08	17.12.2025	<p>Sr. PP, Abul Qasim for the State present.</p> <p>Arguments already heard and record perused.</p> <p>This case was registered against the absconding accused Ibrahim Khan s/o Jalat Khan; Sajid s/o Ali Ameen and Ahmad Fayyaz s/o Kamal Sher, Caste Mishti vide FIR No. 31, Dated 26.05.2024 at Police Station Mishti Mela u/s 5 Explosive Substance Act.</p> <p>As per averments of the FIR, the SHO Police Station Mishti Mela along with other police contingents were on routine surveillance duty of the area on 26.05.2024 when he received information that the terrorists namely Ibrahim, Sajid and Ahmad Fayyaz have hidden huge quantity of arms and ammunitions in Kundni Mountain to commit a crime. Upon this information, the SHO along with Bomb Disposal Squad rushed to the spot and dug it out. He found three white bags wherefrom 357 rounds of 7.62-bore, 72 rounds of 3x3-bore along with 08 rounds and 12.7-bore and 08 hand grenades with a mortar shell were recovered. He took it into possession vide recovery memo in presence of the marginal witnesses and sealed the same in parcels No. 1 to 3. The Murasila and other documents were sent to police station; hence, the FIR was registered.</p> <p> Haq Nawaz District & Sessions Judge Orakzai at Baber Mela</p>

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		<p>After issuance of warrant u/s 204 CrPC and proclamations u/s 87 CrPC, none of the accused turned up, therefore, challan u/s 512 CrPC was put in Court before the Judicial Magistrate, Orakzai. The learned Judicial Magistrate, Orakzai, vide his impugned order dated 16.05.2025, returned the case file to the prosecution to present it before the proper forum, owing to lack of jurisdiction to try the case in hand by holding that it attracts the section of law triable by the Anti-Terrorism Courts. Hence, this revision petition was filed.</p> <p>From the arguments advanced by the learned Sr. PP and perusal of the record, it was found that the accused are not charged for any offence under the Anti-Terrorism Act, 1997. Secondly, there is no act done by the accused with motivation and intention to challenge the writ of the government and destabilize the society with benefit to any proscribed organization. Hence, mere mentioning the word terrorist with the names of accused in the FIR does not make the case fall under the Anti-Terrorism Act, 1997. Resultantly, the revision petition is accepted. The impugned order is set aside and the case file is sent back to the Court of Judicial Magistrate, Orakzai for proceedings under section 512 CrPC. File of the revision petition be consigned to record room after its necessary completion and compilation.</p> <p>Announced: 17.12.2025</p>

(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela