IN THE SUPREME COURT OF PAKISTAN (APPEL LATE JURISDICTION)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR MR. JUSTICE MIAN SHAKIRULLAH JAN

HUMAN RIGHTS CASE NO. 5525 OF 2006

Application by Mrs. Samina Orangzeb w/o Mohammad Orangzeb for release her husband.

Pir Liaqat Ali Shah, A.G. NWFP

Mr. Iftikhar Khan, SSP

Mr. Ahmed Khan, APA (Jamrud)

Mr. Igbal Ahmed Durani, Prosecutor, P.A.

Date of hearing:

16.11.2006.

ORDER.

Detenu Muhammad Aurangzeb son of Muhammad Maqbool has been produced in Court by Mr. Ahmed khan, Assistant Political Agent, Jamrud, in compliance with the order of this Court. It is informed that initially, he was booked in a case under section § 19/420 PPC read with section 11 FCR on 23.07.2004 and on the same date, it is stated by Assistant Political Agent that one kilogram Charas was recovered from him and a case under section 9© of the Control of Narcotics Act was registered against him. It is informed by learned Advocate General, NWFP that in case under section 419/420 PPC, he has been convicted and sentenced to 1-1/2 years R.I. with fine of Rs.50,000/- or in default thereof to further undergo six months S.I. Irrespective of above, he was directed to pay Rs.15,00,000/- to complainant Haji Kamisan or in default, he shall remain in custody till the payment of said amount.

- 2. Copy of the judgment has been provided by learned Advocate General, NWFP in Court to detenu.
- 3. Learned Advocate General, NWFP seeks time to place on record further necessary documents and to file detail statement.
- 4. The matter is adjourned to 20.11.2006, on which date the detenu will be produced in Court by the Assistant Political Agent alongwith entire record of the case under Control of Narcotics Act.

Peshawar, the 16.11.2006 NOT APPROVED FOR REPORTING. *Aamir Sh*



IN THE SUPREME COURT OF PAKISTAN (ORIGINAL JURISDICTION).

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY,CJ MR. JUSTICE MIAN SHAKIRULLAH JAN

HUMAN RIGHT CASE NO. 5525 OF 2006

(Complaint by Mrs. Samina Aurangzeb)

Complainant:

In person.

On Court Notice:

Mr. Hifzur- Rehman, ASC on behalf of A.G. NWFP

Mr. Ahmad Khan, Asstt. Political Agent, Jamrud

With Aurangzeb (detenue)

Date of hearing:

19.12.2006.

ORDER.

Aurangzeb (detenue) husband of the complainant has been produced in Court by Assistant Political Agent, Jamrud. Learned counsel for the State stated that detenue was found guilty for the commission of offence falling under section 419/420 PPC read with Section 11-FCR and he was awarded sentence on the recommendation of the Council of Elders by the Assistant Political Agent/Additional District Magistrate, Jamrud to under go for one year and six months R.I. and further to pay a fine of Rs.50,000/- or in default of payment to further undergo six months S.I.. Benefit of section 382-B Cr.P.C was also extended to him. However, he was also ordered to kept in custody till the payment of Rs.15,00,000/- to complainant Haji Kamisan who alleged that he had paid this amount to him. According to learned counsel, the detenue now has undergone the sentence and is in custody for an indefinite period on account of non-submitting the surety. Primafacie, we are of the opinion that the sentence awarded to the detenue in respect of the recovery of Rs.15,00,000/- is not in accordance with law nor he can be detained in an indefinite period in custody. However, if the detenue was aggrieved, he could have filed appeal against this order before the Commissioner

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FCR, Peshawar. The complainant has stated that she has no source to file appeal before the concerned appellate forum.

Be that as it may, in view of the facts and circumstances of the case, we

forward his application which has been filed on his behalf by his wife Mrs. Sameean Aurangzeb to the Commissioner FCR for treating it to be an appeal on his behalf and deciding the same expeditiously as far as possible within ten days after

its receipt. The copy of the decision on it shall be sent to the Registrar for our

perusal in Chambers. Any one amongst the parties, if feel aggrieved from the order

of the Commissioner FCR shall be free to approach the Tribunal by filing revision.

In the meanwhile, Aurangzeb, detenue shall be kept in Central Jail, Khyber House,

Peshawar and shall not be shifted to Jamrud. The copy of this order be sent to the

Chairman Legal Aid Committee Pakistan Bar Council, Islamabad for providing

legal assistance /aid to the detenue while appearing before the Commissioner FCR

or pursuing legal remedies in accordance with law.

Islamabad, the 19.12.2006.

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23 حولاتي موه لو كارون لون سي أرفقار كما أما اور I- M ف سرد برد ما إما الم سيت ك لعلا July 2/ clear, pobylis d'all & rel 2 investigation (i) 2 M-I ك ما يم من اوراس ك علاوه ديگر فروري كا فذات في لا يوان كي دورل بين بن اور ال زى أن ك زير استمال به جوك فير قانى به اب كرنسته «وسال سے الغوں كے يرك 80 US (11) 4 (8) (10) 2 (10) 2 (10) 2 (10) 2 alligation (w) is show مب الس العنس rial الما أو مال ك وأون كے سابق ملل تحصيد ار روش حال اور I-B کے انسلیم رشیر نے ملا 15 لاکھ 1ء کی مالیت کا دفتری دائر کرر با وہا ر) کے nominate کردن نے رو مراز حرکہ nominate کی اور ضفلہ کروایا حولان مراز فیقلہ مبر سائنو ہر کے حق عبر بن کیو کار الاس کوئی کر بڑی اور جبر کر ہڑی کیو ت کیس ملا۔ مجھے اس فوں عبر 18 مارے - 191 سے ہے دفعیلی دی ٹی کہ اگر کوئی قالونی کا روائی و تق و تون اور عوارد المعارد المعارد المعالي المرباط قال قال المرباط قال المرباط قال قال المرباط قال المرباط قال المرباط قال المرباط قال المرباط قال قال المرباط قال قال المرباط قال المرباط قال المرباط قال المرباط قال قال المرباط قال المرباط قال المرباط قال ا ريانتي بذير هي بيلي في عيورًا محد اسلام آياد شيت بوما يرا من نے سکرار نی فاٹا بریکٹر بغر محدور مذاع کو در خواست دی تھی جس ما غر 1006 سے اس ك علاوة كرزر سرح كماند رفليل الرفيان صاحب كري ايد دزخواست فيلس كى كيلن اس بربی کوئی عل درآمد بیس بوا . (بسی بی در جواست ۱۸.S و نر سرحد کے نام کھی ہے۔ and Is in I whattach of whattach of will all of روير تفر <u>ه را در تعلي النشر في اله ل سے ب ما رو سركار ميں</u> . برا فر عمرمان فرير شوم کواس جس بحاله کات دلائی جائے اور بھاری مدد کی جائے ممين اورنگزيب House -634 هور، لمير - 4/01634 - 51 051 9-10-2 Islamabad.

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