

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

Writ Petition No.3694/2019

Muhammad Riazal
Vs.
The Inspector General of Police, Islamabad, & another.

Petitioner By: Mr. Naveed Akhtar Rajput, Advocate.
State By: Mr. Zohaib Hassan Gondal, State
Counsel alongwith Tipu Sultan Ranjha,
Sub-Inspector.
Date of Hearing: 30.04.2020.

GHULAM AZAM QAMBRANI, J: The petitioner through the instant petition assailed the validity of order dated 01.10.2019 (the impugned order), passed by the learned Addl. Sessions Judge-V, Islamabad-East, in his capacity as Ex-Officio Justice Of the Peace, Islamabad, whereby the petition filed under Section 22-A, 22-B Cr.P.C filed by the petitioner for direction of inquiry and recovery of CCTV footage of Police Station Bhara Kahu, Islamabad, was dismissed.

2. Briefly stated facts of the case as narrated in the petition are that the petitioner and his family was falsely implicated in F.I.R No.244, dated 15.06.2019, offence under Section 395/511/506-ii/447/148/149 P.P.C Police Station Bhara Kahu, Islamabad, in order to grab the land of the petitioner and his brother measuring 70 Kanal, situated at mouza Phulgran, Islamabad, that local police already registered fake F.I.Rs against the petitioner and his family members; that allegedly recovered article were in fact presented by the petitioner himself before Investigation

Officer who also acknowledged the same through received application which was presented by the petitioner for initiating criminal proceeding against the Anjum Aqeel, Saif Ullah etc; that the local police arrested petitioner and his brother and sent them to Adyala Jail, Rawalpindi and later on, malafidely local police showed that those articles were got recovered by the petitioner and his brother. The petitioner submitted an application on 31.07.2019, before respondent No.1 for conducting an inquiry in the above mentioned case so that the real facts may bring on record but respondent refused to do so. That respondent No.1 is duty bound to inquire into the matter for bringing the truth on record and initiation of criminal proceeding against the culprits in accordance with law, but the respondent No.1 is using delaying tactics on one pretext or the other and has badly failed to perform his statutory duties, therefore, the petitioner moved an application before respondent No.2 for direction to bring on record CCTV footage of Police Station Bhara Kahu, in this regard, report was sought from concerned police, wherein it has been mentioned that since the data of Safe City Camera remains save only for one month, as such petition of the petitioner was dismissed vide order dated 01.10.2019, hence, this petition.

3. The learned counsel for the petitioner contended that the impugned order passed by the learned Ex-Office Justice of Peace, is contrary to the facts and circumstances of the case; that the impugned order passed by the learned Additional Sessions Judge, Islamabad, is in violation of fundamental rights of the petitioner.

4. On the other hand, learned State counsel strongly opposed the contentions of the learned counsel for petitioner and supported the

impugned order by contending that the record of CCTV Cameras can be available only for one month.

5. Heard arguments and perused the available record with able assistance of the learned counsel for the parties.

6. Perusal of the record shows that the petitioner wants recovery of CCTV footage of Police Station Bhara Kahu, Islamabad, to show that he himself produced the case property before the police. The report of police submitted by Muhammad Tariq-A.S.I Shift Incharge, Safe City Islamabad, dated 21.10.2019 shows that the data of Safe City Cameras is saved for one moth only and thereafter, it automatically removes from the main "Server", therefore, the video of CCTV footage dated 15.06.2019 after a long period cannot be provided, as such, the Ex-Officio Justice of Peace has passed a well reasoned order.

7. For what has been discussed hereinabove, learned counsel for the petitioner has failed to point out any illegality or irregularity in the impugned order calling for interference by this Court in its constitutional jurisdiction. Resultantly, the instant petition having no force is **dismissed**.

~~(GHULAM AZAM QAMBRANI)~~
JUDGE

"Rana.M.Ift"