

IN THE COURT OF MR. AURANGZEB  
ADDITIONAL SESSIONS JUDGE-VII,  
Abbottabad

Cr Revision # 14/Cr of 2014

Date of institution: 10.7.2014

Date of decision; 5.8.2014

Manager Smoke Sheesha Jadoon Plaza Abbottabad  
through Imtiaz Ali s/o Salah Muhammad r/o Sethi  
Masjid Mansehra Road, Abbottabad.

----- (Petitioner)

V E R S U S

Assistant Commissioner Abbottabad District  
Abbottabad----- (RESPONDENT)

JUDGEMENT.

The Smoke Sheesha through its Manager Imtiaz Ali filed the present Criminal Revision against Order dated 13.6.2014 passed by the learned Assistant Commissioner, Abbottabad whereby the cafe owners were served with final warning to stop selling Sheesha at public places or to any one below the age of 18 years.

2. Arguments heard and record perused.

3. The impugned Order is reproduced as under:-

" on the directions of Provincial Government, an operation was carried out by the District Administration in collaboration with Tobacco Control Cell and District Police against existing Sheesha (smoking) cafes in Abbottabad. The cafes were already served notices dated 31.12.2013 but they did not comply with it. Therefore, in pursuance of implementation of Prohibition of Smoking Ordinance and Protection of Non-smokers Ordinance 2002, the café owners are hereby served with final warning to stop selling Sheesha at public places and /or to anyone below the age of 18 years. Moreover, it is also reiterated that the designated areas have been rescinded by the competent authority in SRO NO.956(1)/2008 after which Sheesha cannot be sold at any place where it may cause public nuisance. This Order shall remain intact till the matter is finally decided by the court, after which the appropriate action will be taken"

4. The above Order in question would reveal that no adverse finding was recorded against the petitioner rather it was general in nature. Moreover the record would show that the petitioner did not move any application before the competent authority for return of articles recovered from him. It is disclosed at the bar that the petitioner submitted an application with

such prayer on 16.6.2014 and the impugned Order was passed on 13.6.2014.

5. For reasons stated hereinabove that the instant revision petition being without substance is hereby rejected.

Announced;

5.8.2014

(AURANGZEB)

Addl: Sessions Judge-VII  
Abbottabad

CERTIFICATE.

It is certified that my judgment consisted of 03 pages. I signed each page after reading and making correction therein, if any.

(AURANGZEB)

Addl: District Judge-VII  
Abbottabad