

Or-----03
17.09.2019

رہنما رو بہ جان (2)

- (1) Complete challan submitted. It be registered. Accused not present. APP Amir Ali for the state present.
- (2) The prosecution has forwarded the instant case for withdrawal of the case/discharge of the accused u/s 494 Cr.P.C.
- (3) The learned APP stated at the bar that FSL report is not available. As per investigation of the police the accused Miss Rubina Jan is mentally retarded which is clearly mentioned by the SHO in Complete Challan and there is also contradiction between the recovery memo and Murasla. The police also failed to produce any impartial independent evidence/witness to connect accused with commission of offence. Hence in the light of above the instant case is not fit for trail and kindly be withdrawn. Even there is no probability of the conviction of the accused if she is apprehended and produced before the trial court but the same shall be a futile exercise and abuse of the process of law.
- (4) Under these circumstances, it is held that prosecution opinion is based on reasons. Therefore, in agreement with the version of prosecution, the instant case is hereby dismissed as withdrawn and accused is hereby discharged. File be consigned to record room after necessary completion.

Announced
17/09/2019

Muhammad Imtiaz
Civil Judge JM-II
Orakzai at (Babar Meta)
17.09.19
MUHAMMAD IMTIAZ
JUDICIAL MAGISTRATE-II/MTMC
ORAKZAI