

## STATE VS SAJID ALI ETC

FIR No. 121 Dated: 24.02.2024 | U/S: 302/324/34 PPC | Police Station: Kalaya

IN THE COURT OF BAKHT ZADAADDITIONAL SESSIONS JUDGE-I/JUDGE SPECIAL COURT, ORAKZAI  
(AT BABER MELA)

SESSION CASE NO. : 15/62 OF 2024  
 DATE OF ORIGINAL INSTITUTION : 03.06.2024  
 DATE OF PRESENT INSTITUTION : 23.11.2024  
 DATE OF DECISION : 30.11.2024

STATE THROUGH MUHAMMAD ARIF S/O BADU KHAN, R/O QAUM  
 FEROUZ KHEL, TAPPA JAISAL KHEL, VILLAGE KARI TAAL, LOWER  
 ORAKZAI.

.....(COMPLAINANT)

**-VERSUS-**

1. SAJID ALI,
2. FAIZ ALI BOTH SONS OF SYED ABBAS ALI SHAH, R/O QAUM  
 STORI KHEL

.....(ACCUSED ABSCONDING)

ORDER No. 17

30.11.2024

Accused, Faiz Ali and Sajid Ali both sons of Syed  
 Abbas Ali Shah were charged in the case FIR No. 121  
 dated 24.02.2024, U/S 302/324/34 PPC, registered at PS  
 Kalaya.

- (2). Facts of the case as per report of the complainant  
 Muhammad Arif are that he along with his nephew  
 Hidayat Ullah were present near the shop of Tilawat Khan  
 at Headquarter Chowk, Kalaya on 24.02.2024. At about  
 1000 hours Sajid Ali and Faiz Ali residents of Stori Khel  
 came to the spot on motorcycle. The motorcycle was  
 driving by Sajid Ali and Faiz Ali started firing through  
 Kalashnikov with intention to kill, resultantly, his brother  
 Shah Muhammad got hit and died on the spot. Accused  
 Faiz Ali also fired on the complainant, but he luckily

*Dated 30.11.24*  
**BAKHT ZADA**  
 Addl. District & Sessions Judge-1,  
 Orakzai at Hangu

//  
**STATE VS SAJID ALI ETC**

**FIR No. 12 | Dated: 24.02.2024 | U/S: 302/324/34 PPC | Police Station: Kalaya**

escaped unhurt. After the occurrence, both the accused flee from the spot on motorcycle, whereafter, complainant along with other persons took the dead body of his brother to THQ Hospital Kalaya, where he reported the matter to the local police. After drafting of the report, he thumbs impressed the same as token of its correctness, while Hidayat Ullah also thumb impressed the same as verifier. Motive of the offense is previous enmity. Later on, IO prepared site plan on his pointation. He charged the accused for the commission of the offense.

- (3). Complete challan was submitted by the prosecution on 03.06.2024. Accused Sajid Ali was on bail, while accused Faiz Ali was absconding. Ali Hussain was summoned as SW, who recorded his statement as SW-01 and proceedings U/S 512 Cr. PC against accused Faiz Ali were initiated. Despite repeated notices, accused Sajid Ali failed to appear before the court and his sureties were summoned, who appeared before the court stated and stated in their joint statement that accused is intentionally avoiding his lawful appearance and has gone into hiding, and are out of approach of the sureties, therefore in view of the same, my learned predecessor has recalled the bail order of accused Sajid Ali and proceedings U/S 514 Cr. PC were initiated against the sureties of accused. On 20.07.2024, accused Sajid Ali was declared as proclaimed offender and prosecution was

*Javeri*  
30.11.24  
**BAKHT ZADA**  
Addl: District & Sessions Judge-1,  
Orakzai at Hangu

12  
**STATE VS SAJID ALI ETC**

**FIR No. 12 | Dated: 24.02.2024 | U/S: 302/324/34 PPC | Police Station: Kalaya**

allowed to record evidence in absentia against him U/S

512 Cr. PC.

(4). Prosecution produced and recorded the statements of as many as eight (08) PWs, while the remaining PWs were abandoned and prosecution closed its evidence.

(5). It is evident from the record that the above-named accused are deliberately avoiding their lawful arrest and there is no probability of their arrest in near future; hence, as per record, a prima facie case exists against the absconding accused Sajid Ali and Faiz Ali. They are declared as proclaimed offenders. Perpetual warrant of arrest be issued against them and DPO Orakzai is directed to enter their name in the register of proclaimed offenders. All the legal course be adopted for their arrest and they be brought before the court as and when arrested. Case property be kept intact till final disposal of the case.

(6). File of this court be consigned to record after its necessary completion and compilation.

Dated: 30.11.2024

*Bakht Zada*  
30.11.24

**BAKHT ZADA**  
Additional Sessions Judge-I,  
Orakzai at Baber Mela

**CERTIFICATE**

Certified that this order consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 30.11.2024

*Bakht Zada*  
30.11.24

**BAKHT ZADA**  
Additional Sessions Judge-I,  
Orakzai at Baber Mela