

**IN THE COURT OF IJAZ MAHSOOD, SCJ/JM,**  
**ORAKZAI AT BABER MELA, HANGU**

CASE NO. : 10/2 OF 2024

DATE OF INSTITUTION: 01.04.2024

DATE OF TRANSFER IN: 21.05.2024

DATE OF DECISION: 06.05.2025

**STATE THROUGH:** Rehmat Ullah s/o Noor Ullah Khan,  
R/O Qoum Sheikhan, District Orakzai

-----(*Complainant*)

VS

Haleef Khan s/o Itbar Khan, Qoum Mishti, District Orakzai.

-----(*Accused Facing Trial*)

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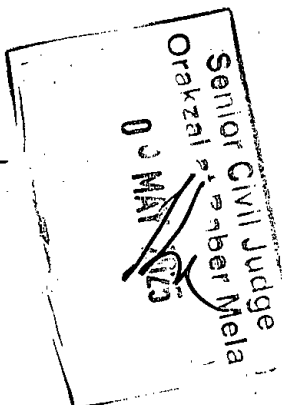
**JUDGMENT**

**06.05.2025**

This judgement is to decide a criminal case based on an FIR lodged under section 506/392 of the PPC by Mr. Rahmat Ullah, the complainant, against Mr. Haleef Khan, the accused.

**Report/Complaint:**

Mr. Rahmat Ullah, the complainant and purportedly owner of a truck registered under number Z-7162, approached the court of the Hon'ble District and Sessions judge with an application under section 22-A requesting for directions to the local police to register his complaint. Therein, it was



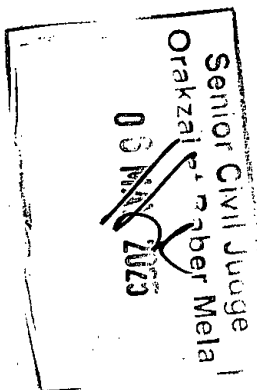
alleged that the complainant was telephonically informed by Mr. Khaista Mir, the driver of his truck, that the vehicle had been forcibly detained by the accused after cursing and threatening him with serious injury. The court agreed with the petitioner/complainant and directed local police to register his case.

Accordingly, FIR No. 06 was registered on 12/02/24. The charge as related in the FIR reads that the complainant is owner of a truck registered as Z-7162 that was in business of transporting coal from the mine of the accused. On the day of the incident, the accused, allegedly, called Mr. Khaista Mir, driver of the truck, to visit the mine to load and transport coal. However, when the driver went to the premises the accused seized the keys of the truck, cursed and threatened the driver into flight, and detained the vehicle. It is reported that this episode telephonically communicated to the complainant on 21/01/24 at 9:00 am.

The FIR ran its legal course and concluded in the form of a police report in the court. The court proceeded to frame charges on 24/04/24.

**Charge(s):**

Firstly, that you accused on 21.01.2024 at about 09:00 hrs within the criminal jurisdiction of police station Kurez



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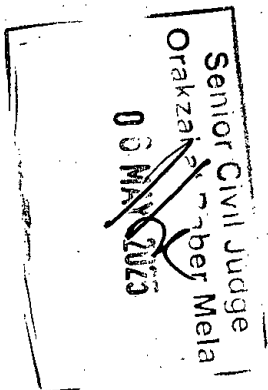
Boya, took by force truck no. Z7162 Peshawar into your possession by snatching the keys of the vehicle mentioned above from the driver of the truck. Thereby you accused committed an offence of robbery punishable u/s 392 PPC withing the cognizance of this court.

Secondly, that at the time of occurrence you accused criminally intimidated the driver namely Khaista Mir by threatening him with the grave consequences, thereby you accused committed an offence punishable u/s 506 PPC and withing the cognizance of this court.

**Witnesses/Exhibits:**

Mr. Junaid Alam, constable appeared as PW-01, Mr. Hashim Khan, IO as PW-02, Mr. Muhammad Yonus, SHO as PW-03, Mr. Rehmat Ullah, complainant as PW-04 and Khaista Mir, driver as PW-05. They have exhibited the following documents;

1. Recovery memo as Ex.PW-1/1.
2. Card of arrest as Ex.PW-2/1.
3. Application for physical custody as Ex.PW-2/2.
4. FIR No. 06 as Ex.PA.
5. Complete challan as Ex.PW-3/1.
6. Application for registration of case as Ex.PW-4/1.
7. Hino truck reg no. Z-7162, Peshawar as Ex.P-1.



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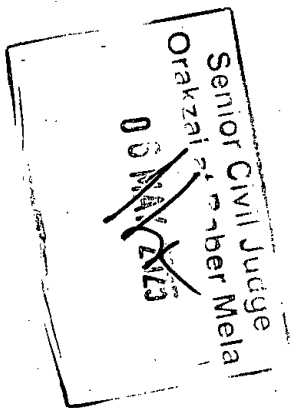
**Reasoning:**

Mr. Haleef Khan, the accused, is charged with the commission of offences of robbery and criminal intimidation as defined under section 392 and 506, respectively, of the Pakistan Penal Code. He has pleaded not guilty to the charges.

Prosecution has recorded its evidence, and the accused has already availed himself of the opportunity of recording his statement under section 342. Below, the court shall examine the quality of the evidence, and assess the merits or otherwise of the prosecution's case.

- i. The prosecution concedes that the alleged offences were committed against Mr. Khaista Mir, and that he is the only direct witness. The matter as reported in the 22-A petition that latter informed the FIR reads in paraphrase that the accused called Mr. Khaista Mir and asked him to come to the mine to load and transport coal, presumably under the business arrangement with the complainant. It is alleged in the report that when the driver went to the mine, the accused cursed and threatened him out after seizing the keys and detaining the vehicle.

- ii. Interestingly, when Mr. Khaista Mir, the victim and only witness of the alleged witness, took the witness stand, he plainly denied the facts of him being cursed, and



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threatened by the accused. He also denied the allegations that the accused forcibly took keys of the vehicle from him.

iii. Mr. Junaid Ali, witness to the recovery memo, in his statement informs that the SHO acquired keys to the truck from the Driver Mr. Khaista Mir, and not from the accused.

iv. The entire corpus of evidence is silent about the time of occurrence. Complaint, although mentions the time when he received the alleged call informing him about the occurrence, but neither he, nor the alleged victim and witness, Mr. Khaista Mir mentions the actual time of occurrence of the incident.

v. Complainant further concedes the presence of dispute over payments of dues between him, and the accused. During the course of arguments, learned defense counsel explained that his client had merely refused the supply of goods unless previous dues were cleared.

vi. From the observations made, and especially from the admissions of the only witness, it is safe to hold that Mr. Khaista Mir was neither threatened, nor cursed, nor were the keys forcibly taken from him. All these bits joined together gives credence to the defense's version that the

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truck was left behind on site, and was not illegally detained by the accused.

**Ruling:**

In view of the discussion above, prosecution could not establish the charges to the satisfaction of the court. Accused stands acquitted of the charges; his sureties are discharged of their liability under the bond.

File be consigned to the record room after its completion and compilation.

**Announced**  
06.05.2025

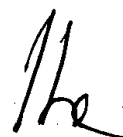
  
(Ijaz Mahsood)  
SCJ/JM,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this order consists of six (06) pages.

Each page has been read, corrected where-ever necessary and signed by me.

**Dated:06.05.2025**

  
(Ijaz Mahsood)  
SCJ/JM,  
Orakzai (at Baber Mela)