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STATE VS SUHBAT KHAN
FIR No. 116, Dated 24.09.2021, u/s 302/311/34 PPC
Police Station: Mishti Mela

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 13/2 OF 2025
DATE OF INSTITUTION : 18.09.2024
DATE OF TRANSFER-IN : 29.05.2025
DATE OF DECISION : 26.06.2025

STATE THROUGH AMJAD KHAN S/O SUHBAT KHAN, CASTE
BEZOT

------(Complainant)

VS

SUHBAT KHAN S/O SAIDA JAN, AGED ABOUT 44 YEARS, R/O
CASTE BEZOT, DISTRICT ORAKZAI

------(Accused)

Present: Abul Qasim, Senior Public Prosecutor for the State.
: Sana Ullah Khan Advocate, for accused.

FIR No. 116

||

Dated: 24.09.2021

U/S: 302/311/34 PPC

||

Police Station: Mishti Mela

JUDGEMENT
26.06.2025

This case was registered against the accused, Suhbat Khan s/o Saida Jan, aged about 44 years, r/o Caste Bezot, District Orakzai vide FIR No. 116, Dated 24.09.2021 registered at Police Station Mishti Mela u/s 302/311/34 PPC.

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Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela


According to the prosecution case, the local police responding to information about the occurrence, reached DHQ Hospital on 24.09.2021 and found the injured Amjad Khan s/o Suhbat Khan in the emergency room. He reported that an unknown person had entered the room of his aunt Amina Bibi w/o Olas Khan with bad intention on the preceding night at about 2300 hours. There were children in the room, so he waited for the

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person to come out and grab him. When the children came out of the room at about 1100 hours, the person locked himself in the room, but the complainant kicked the door and broke it and all of a sudden, the person started firing upon him; as a result, he received severe injuries. He charged unknown accused for the commission of offence.

3. Later on, Shal Muhammad SHO, during the spot inspection, found that the accused Suhbat Khan and absconding co-accused Shahid have committed the murder of said person namely, Zaman Khel s/o Saidan Shah, r/o Khan Shah Mela, Qaum Mangal, District Kurram while the absconding accused Javid have murdered Mst. Amina Bibi on the pretext of honour for having illicit relations with the aforesaid Zaman Khel. DDs No. 7 and 8 dated 24.09.2021 were entered in respect of the murders of Zaman Khel and Mst. Amina Bibi.


District & Sessions Judge
Orakzai of Balochistan


4. Initially, challan u/s 512 CrPC was submitted against the accused. They were declared proclaimed offenders on 04.05.2023. Later on, supplementary challan was submitted against the present accused Suhbat Khan. He was summoned and copies were provided to him under Section 265-C CrPC. The accused pleaded not guilty and claimed trial. The prosecution produced a total of 15

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witnesses before the Court. A brief resume of the depositions of the prosecution witnesses is as under;

I. Minhaz Hussain IO appeared before the Court as PW-1. He conducted partial investigation in the case. He deposed that the accused was handed over to him after his arrest. He produced him before the Judicial Magistrate (JM) vide application Ex. PW 1/1 on 07.08.2024 for obtaining physical custody which was allowed and two days police custody was granted. He again produced the accused before the JM vide application Ex. PW 1/2 on 09.08.2024 for further custody, but his request was turned down and the accused was sent to judicial lock-up. He recorded the statement of accused u/s 161 CrPC.



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II. Muhammad Younas SHO stood in the witness box as PW-2. He deposed that he arrested the present accused Suhbat Khan vide card of arrest Ex. PW 2/1 on 06.08.2024. He handed over the accused to investigation staff. He submitted supplementary challan Ex. PW 2/2 against the accused on 10.08.2024.

III. Constable Ali Hussain appeared before the Court as PW-3. He deposed that he

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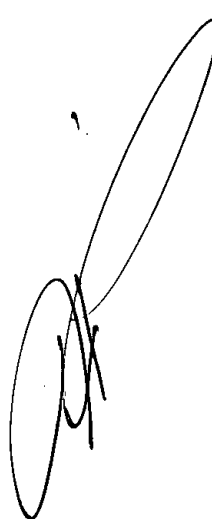
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accompanied the IO to the spot on 24.09.2021.

The IO recovered blood-stained earth from the place of deceased Zaman Khel and 10 empty shells of 7.62 bore from the place of accused through recovery memo Ex. PW 3/1. The IO packed and sealed it into parcels No. 1 and 2 by affixing three monograms of "AH" while keeping one monogram inside the parcels. The PW is also witness to the recovery memo Ex. PW 2/2 through which the IO recovered blood-stained earth from the place of deceased Amina Bibi and 03 empty shells of 7.62 bore from the place of accused. The IO packed and sealed it into parcels No. 3 and 4 by affixing three monograms of "AH" while keeping one monogram inside the parcels. The IO also took into possession the blood-stained garments consisting upon Shalwar, Qamees, Bunyan and Chaddar brought by Constable Syed Wali through recovery memo Ex. PW 3/3. The garments were packed in parcel No. 5 by affixing monogram of "AH". He is the marginal witness of recovery memo Ex. PW 3/4 vide which the IO took into possession blood-stained garments of deceased Zaman Khel brought by Constable Salamat Shah.



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These were packed in parcel No. 6 by affixing monogram of "AH". His statement was recorded u/s 161 CrPC.

IV. Dr. Shaista Ebad appeared before the Court as PW-4. She stated that she examined the dead body of Amina Bibi w/o Olat Khan, aged about 35 years, r/o Caste Bezot, Tappa Mirkoli Khel, village Star Bezot on 24.09.2021. During the post-mortem examination, the PW found the following external appearance of the dead body;

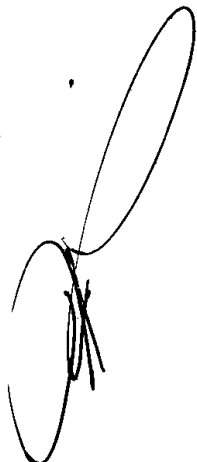
External appearance:

No mark of ligature: No mark of ligature on neck.

Condition of subject stout emaciated, decomposed, etc., clothing: Fresh body with blood-stained in home used clothes. Clothes are handed over to police.

Wounds, Bruises, position, size and nature: A case of firearm injury, presented to DHQ MM for PM report/examination.

Entry firearm wounds: Two entry wounds at right hypogastric region about 0.5 cm each.



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Exit firearm wounds: Two exit wound at right
lumber region about 2cm each.

Cranium and Spinal Cord: Healthy.

Thorax: Healthy.

Abdomen:

Walls: Walls of abdomen are damaged.

Peritoneum: Damaged.

Mouth, Phyrnx and Oesophagus: Healthy.

Diaphragm: Healthy.

Stomach and its contents: Healthy.

Pancreas: Healthy.

Small intestine and their contents: Damaged.

Large intestine and their contents: Damaged.

Liver: Damaged.

Spleen: Healthy.

Kidneys: Right kidney damaged, left kidney
healthy.

Bladder: Healthy.

Organs of generation external and internal:
Healthy.

Muscles, Bones and Joints: As per injury
sheet.

According to opinion of the Medical Officer,
there were entry and exit firearm wounds on

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Orizai at Baher Mela

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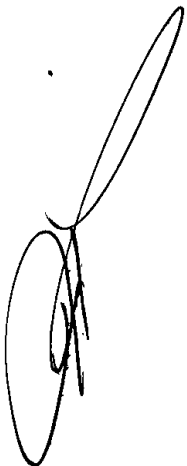
the dead body. The cause of death is excessive bleeding.

Probable time:

Between injury and death: About half hour.

Between death and post mortem: about 03 hours.

The PW-4 produced the post-mortem report as Ex. PM. She deposed that after PM examination; the blood-stained garments of the deceased were handed over to police.



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V. Shams Ul Ghani appeared before the court as PW-5. He stated that he took parcels No. 1 to 6 along with application and route permit certificate to the FSL. The receipt of the parcels was handed over by him to the IO.

VI. Muhammad Ayyub Khan ASI, recorded his statement as PW-6. He deposed that the Murasila was received by him through constable Raza Ali on 24.09.2021 which was incorporated into FIR Ex. PA. He handed it over to Incharge Investigation. He also received special reports through Constable Abdul Sattar and entered it in Daily Diaries No. 7 and 8 on 24.09.2021. He also handed it over to Incharge Investigation. He also

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received parcels No. 1 to 6 which were kept in the mal khana of the PS after making entry in register No. 19 Ex. PW 6/1. He handed over the said parcels to the IO on 27.09.2021 who dispatched the same to FSL. His statement u/s 161 CrPC was recorded.

- VII. SHO Shal Muhammad recorded his statement as PW-7. He stated that he rushed to DHQ Hospital Mishti Mela on receiving information about the incident on 24.09.2021, where the complainant reported the matter to him. He reduced it into writing in the shape of Murasila Ex. PW 7/2. He prepared injury sheet Ex. PW 7/1 of the complainant and sent the same to doctor through Constable Zeeshan Haider. The Murasila was sent to police station through constable Raza Ali for registration of FIR. The SHO further deposed that he found that the accused Suhbat Khan and Shahid have murdered Zaman Khel in the room of their house. He prepared injury sheet Ex. PW 7/3 and inquest report Ex. PW 7/4 of the deceased and sent the same along with the dead body to doctor for PM examination through Constable Salamat. He prepared special report Ex. PW 7/5 and sent it to PS through Constable Abdul



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Sattar. He further stated that he heard fire shots when he was in search of the accused, at which he rushed to the spot and found Mst. Amina Bibi killed by accused Javid. He prepared injury sheet Ex. PW 7/6 and inquest report Ex. PW 7/7 of the deceased and sent the same along with the dead body to doctor for PM examination through Constable Said Wali. He made report Ex. PW 7/8 and sent it to PS through Constable Javid Ali. He submitted abetment report in respect of deceased/accused Zaman Khel and submitted complete challan Ex. PW 7/9 under Section 512 CrPC against the accused.

VIII. Constable Said Wali deposed as PW-8. He stated that the SHO handed over injury sheet and inquest report along with the dead body of Mst. Amina Bibi and he escorted it to DHQ Hospital and handed over to the lady doctor on 24.09.2021 for PM examination. He received blood-stained garments of the deceased from the doctor which was handed over by him to the IO. His statement was recorded by the IO u/s 161 CrPC.

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IX. Constable Salamat Khan stood in the witness box as PW-9. He stated that the SHO handed over injury sheet and inquest report along with the dead body of Zaman Khel and he escorted it to the hospital and handed over to the doctor on 24.09.2021 for PM examination. He received blood-stained garments of the deceased from the doctor which was handed over by him to the IO. His statement was recorded by the IO u/s 161 CrPC.

X. Dr. Naqeeb Ullah appeared before the Court as PW-10. He stated that he examined the dead body of Zaman Khel s/o Saadain Shah, aged about 31 years, r/o village Shalozan, Kurram Agency on 24.09.2021. During the post-mortem examination, the PW found the following external appearance of the dead body;

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External appearance:

No mark of ligature: No legation marks.

Condition of subject stout emaciated, decomposed, etc., clothing: Fresh.

Wounds, Bruises, position, size and nature: A case of firearm injury, presented to DHQ MM for Post-Mortem examination.

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Wounds Details:

Skull: Blown out skull/shattered skull.

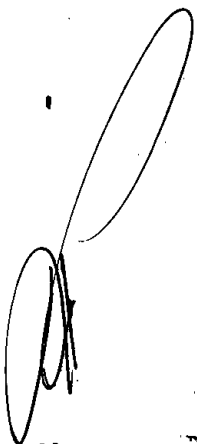
Fracture & brain tissues exposed. Right superolateral position 8-inch x 6 inch in size.

Chest: Gun shot at right side chest, entrance at 9th intercostal space and exit at 8th intercostal space (2x2 inch). Entrance at 11th intercostal space and exit at 10th intercostal space (2x2 inch). Entry at right Axilla, 1x1 inch/level of 10th right intercostal space. Laceration with sharp object at mid axillary line. Stab wound at mid clavicular line at the level of 11th intercostal space.

Abdomen: Entrance and exit in right iliac fossa with multiple lacerations wounds in right inguinal region of dimension 2x2 inch.

Upper Limb: 01-entry wound at lateral aspect and exit at medial aspect of upper arm 1x2 inch. 02-lacerated wound at forearm with sharp objects having size 3x1 inch. Ring finger laceration 01 inch. Index finger of left upper arm fracture and lacerated 2x2 inch.

Left lower limb: 01-laceration anterolateral aspect 6x4 inches. Left femur fracture.



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Right lower limb: Laceration of anteromedial aspect with sharp objects 7x3 inches. 01-laceration at anterolateral of thigh with sharp object 2x1 inch. Laceration on posterior aspect of thigh with knee joint 4x5 inches with sharp weapon. 01-laceration on medial aspect 2x1 inch with sharp object.

Right inguinal: 02-lacerations 2x3 inch with sharp object. 03 entrance wound (02 buttock region and 01 lumber region). 02 exit wounds at left buttock region.

2. Cranium and Spinal Cord: Healthy.

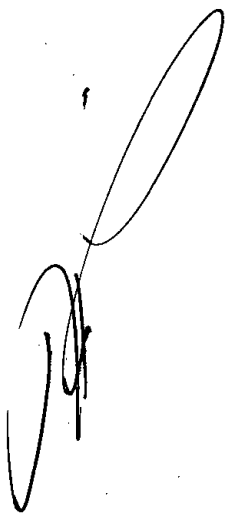
3. Thorax:

Walls, Ribs and Cartilages: Ribs fractured.

- ii. Plurae: Intact
- iii. Larynx and Trachea: Intact.
- iv. Right Lung: Intact
- v. Left Lung: Intact.
- vi. Pericardium and Heart: Intact
- vii. Blood vessels: dissected.

4. ABDOMEN:

- i. Walls: Intact
- ii. Peritoneum: Intact
- iii. Mouth, Phrynx and Oesoghagus: Intact.
- iv. Diaphram: Intact



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- v. Stomach and its contents: Intact.
- vi. Pancreas: Intact.
- vii. Small Intestine and their contents:
Intact
- viii. Large Intestine and their contents:
Intact
- ix. Liver: Intact
- x. Spleen: Intact.
- xi. Kidneys: Intact
- xii. Bladder: Intact
- xiii. Organs of generation external and
internal: Intact

5. MUSCLES, BONES, JOINTS:

Skull fractured and exposed. Left femur fractured. Left upper arm index finger fractured and exposed. Ribs fractured.

According to opinion of the Medical Officer, the deceased died due to gunshot and injury and multiple lacerated wounds with sharp objects on multiple body parts.

Probable time:

Between injury and death: 5-10 minutes.

Between death and post mortem: 6-7 hours.

The PW-10 produced the post-mortem report as Ex. PM. He also endorsed the injury sheet and inquest report. He deposed that after PM



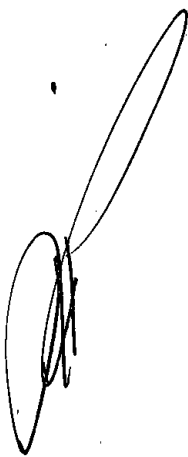
Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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examination; he handed over blood-stained garments of the deceased to police.

XI. Said Rehman appeared before the court as PW-11. He is identifier of the dead body of the deceased to police and doctor.

XII. The Investigation Officer, Aftab Hassan SI appeared before the court as PW-12. He stated that he visited the spot and prepared site plan Ex. PB. He later on made addition in the site plan at the instance of Amjid Ali which is Ex. PB/1. He also prepared another site plan Ex. PW 12/1 on the pointation of Shal Muhammad regarding the murder of Mst. Amina Bibi. During the spot inspection, the IO took into possession blood-stained earth from the place of deceased Zaman Khel vide recovery memo Ex. PW 3/1 in presence of the marginal witnesses which was packed and sealed into parcel No. 1 (Ex. P1). The IO also took into possession 10 empties of 7.62 bore from the place of accused through the aforesaid recovery memo and sealed into parcel No. 2 (Ex. P2). He took into possession blood-stained earth from the place of deceased Amina Bibi and 03 empties of 7.62 bore from



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the place of accused vide recovery memo Ex. PW 3/2 and sealed it into parcels No. 3 (Ex. P3) and 4 (Ex. P4). Blood-stained garments of the deceased Amina Bibi and Zaman Khel were also taken into possession by the IO vide recovery memo Ex. PW 3/4 and were sealed into parcels No. 5 (Ex. P5) and 6 (Ex. P6) respectively. All the above-mentioned recoveries were made in presence of the marginal witnesses. He proceeded against the accused u/s 204 CrPC and 87 CrPC as the accused were absconding. He sent the parcels containing blood-stained garments and empties to FSL Peshawar for analysis along with applications Ex. PW 12/6, Ex. PW 12/7 and the FSL receipts Ex. PW 12/8, Ex. PW 12/9. He placed on file medical documents of the injured Amjid Ali, photographs taken during the spot inspection as Ex. PW 12/10 and the FSL reports as Ex. PW 12/11 and Ex. PW 12/12. He issued Parwana Ex. PW 12/13 to nominate the accused Suhbat Khan, Shahid and Javid. He handed over the case file to SHO for submission of complete challan against the accused Suhbat Khan, Shahid and Javid and

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abetment report against accused/deceased
Zaman Khel.

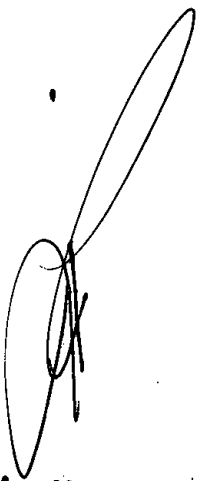
XIII. Sahid Rehman deposed at PW-13. He verified the report of complainant which bears his signature over it. His statement was recorded by the IO u/s 161 CrPC.

XIV. Dr. Asif Khan appeared as PW-14. He stated that he examined the injured Amjid Khan s/o Suhbat Khan on 24.09.2021 at about 11:55 am. During the examination, the PW found the following injuries;

There was right hip medially entry wound 1x1cm and exit wound at right hip at buttock region 4x4cm with deep laceration with effective bleeding from wound.

On examination, injured was unable to move as his right leg was painful and moment was compromised at the relevant moment.

Neurovascular was fully intact, initial management and resuscitative measure was done. Injured was given I/V fluid. He was vitally stable, ASD was done. He was referred for further management to Tertiary Care Hospital. After further management at KTH, there was fracture of right side of neck of



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femur. In hospital, DHS applied which was seen in X-Ray and injury was held to be grievous.

The PW-14 produced his report before the Court as Ex. PW 14/1.

XV. Amjid Khan appeared before the Court as PW-15. He narrated the same story as reported in the FIR Ex. PA. He is also verifier of the site plan wherein addition was made with red ink on 15.11.2021.

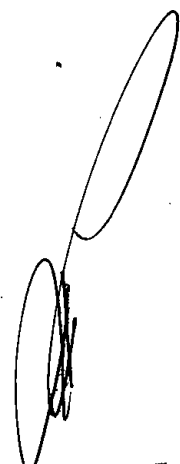
5. After completion of prosecution evidence, statement of the accused was recorded u/s 342 Cr.P.C. The accused claimed innocence; however, he neither wished to be examined on oath nor opted to produce any evidence in defence. I have heard learned Sr. PP and counsel for the accused.


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District Judge
Mishti Mela

6. The learned Sr. PP argued that the occurrence was taken place inside the house of accused from where the IO recovered blood-stained earth. The FSL reports about the blood-stained earth and blood-stained garments is in positive. The medical evidence supports the prosecution case. He finally requested that the prosecution has established its case against the accused beyond the shadow of any doubt; therefore, the accused be convicted for the commission of offence.

7. On the other hand, the learned counsel for the defence argued that the occurrence was not witnessed by anyone nor the accused has confessed his guilt. He, therefore, requested for acquittal of the accused.

8. After hearing both the parties and perusal of the record it was found that the complainant in the Murasila Ex. PW 13/2, informed the local police about the injury sustained by him by the firing of deceased Zaman Khel. He also reported about presence of the said Zaman Khel in his house in the room of his aunt Amina Bibi with bad intentions, but no report about murder of Zaman Khel was made by him. When the SHO inspected the spot on the said report, he found Zaman Khel to have done to death by the present accused Suhbat khan and proclaimed offender Shahid. He reported the matter in this respect vide Ex. PW 13/5 which was incorporated in the shape of Daily Diary No. 7 Ex. PW 7/1. The SHO was in search of the accused when he heard a fire shot from the place of occurrence. He rushed back to the house in question where he found that Mst. Amina Bibi was also been murdered by the proclaimed offender Javid. He reported the matter vide report Ex. PW 13/8 which was incorporated in Daily Diary No. 8 Ex. PW 7/2. The place of occurrence for all the three incidents is the house of Saida Jan, father of the accused Suhbat Khan and proclaimed offender Javid, situated at village Bezot.



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However, the Investigating Officer, at the time of inspection of spot, has not shown the accused to be resident of the said house, but his house was shown in *Abadi Deh* in the site plan Ex. PB towards eastern side of the house where the occurrence was taken place. The SHO appeared before the Court as PW-7. In his cross examination, he stated that he is not eyewitness of all the three transactions. He further stated that he came to know about the murder of Mst. Amina Bibi by accused through his sources. He further stated that he has not cited any person as witness on his report regarding the murders of Zaman Khel and Mst. Amina Bibi because no one was ready to be cited as witness of the occurrence. Similarly, the Investigating Officer stated in his cross examination as PW-12 that he has not recorded the statement of any independent witness at the spot. He further submitted that he made attempt to record the statements of independent private witnesses, but they refused. Hence, neither the place of occurrence was shown in the site plan to be the house of accused Suhbat Khan by the IO nor any eyewitness of the occurrence was associated with investigation of the case.


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District & Sessions Judge
Ordnance at Bahawalpur

9. After the arrest of present accused, the partial investigation was conducted by PW-1. He neither recovered no weapon of offence from the accused nor any other incriminating article to connect the accused with the

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commission of offence. As such, there no direct or circumstantial evidence to substantiate the prosecution case against the accused. Similarly, no recovery or discovery was effected on the pointation of accused nor any confessional statement was made by him.

10. In view of the above, the prosecution had badly failed to bring home guilt against the accused, Suhbat Khan s/o Saida Jan, aged about 44 years, r/o Caste Bezot, District Orakzai in the instant case FIR No. 116, Dated 24.09.2021 registered at Police Station Mishti Mela u/s 302/311/34 PPC. He is, therefore, acquitted of the charge levelled against him by extending him the benefit of doubt. The accused is in custody. He be released forthwith, if not required in any other case. Case property be destroyed after the period provided for appeal/revision. File of this Court be consigned to record after its necessary completion and compilation.

Announced:
26.06.2025



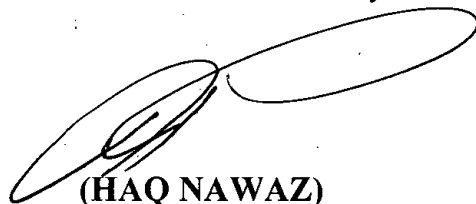
(HAQ NAWAZ)
Sessions Judge, Orakzai,
at Baber Mela

CERTIFICATE

Certified that this judgment consists of twenty (20) pages.

Each page has been read, corrected wherever necessary and signed by me.

Dated: 26.06.2025



(HAQ NAWAZ)
Sessions Judge, Orakzai,
at Baber Mela