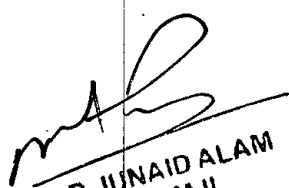


**FORM "A"**  
**FORM OF ORDER SHEET**

IN THE COURT OF MUHAMMAD JUNAID ALAM, JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI  
Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

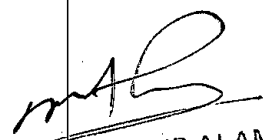
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
<b>Order-01</b>	<b>26.05.2025</b>	<p>Vide my detailed order of today passed in "Jamshed Ullah Khan and others Vs State" whereby the petition for restoration of the present case is accepted and the present suit titled as "State Vs Jamshed Ullah" is hereby restored. Therefore, the Moharrir of the court is directed to restore the aforesaid suit on its old number neem. But at the very outset counsel for accused submitted an application under section 249-A Cr. PC for accused, hereinafter referred as petitioner, which is placed on file. Vide this order the Court intends to dispose of instant application filed under section 249-A Cr.PC.</p> <p>APP for the state present. Accused on bail along with counsel present. Complainant absent.</p> <p>Arguments on application under section 249-A Cr. PC heard and record gone through.</p> <p>Brief facts as per contents of FIR are that a Murasila was received from SI Riaz Khan, In-charge Casualty DHQ Hospital Mishti Mela through constable Rehman Gul. In-charge officer found that injured Sami Khan son of Zangeen Khan and injured Muhammad Serab son of Saif Ullah were at DHQ Hospital Mishti Mela in emergency room. Injured Sami Khan was not in proper sense and his</p>

  
**MUHAMMAD JUNAID ALAM**  
Civil Judge / JM-II  
Orakzai at Kalaya

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Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

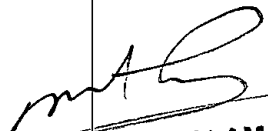
Continued Order-01	26.05.2025	<p>cousin namely Muhammad Serab reported to the local police, that on the day of occurrence, I alongwith my cousin/injured Sami Khan were sitting near our new house. In the meantime, accused Jamshed and one unknown person came near us and sat down. They said that our goat was missing and you have knowledge about it. We replied that we have no knowledge about your goat. In the meantime, accused Jamshid Ullah took out his pistol and deliberately started firing upon us with intention to their Qatl-e-Amd, due to his firing I alongwith my cousin got hit and injured. After the occurrence, accused were fled away from the spot. No motive behind the occurrence. Hence, the instant FIR. Accused were arrested and later on, released on bail. Complete challan was put in court against the accused. Accused were summoned. They appeared before the court. Provisions of Section 241-A Cr. PC were complied with. Formal charge was framed. Accused pleaded not guilty and claimed trial. Prosecution was allowed to produce evidence against accused. Prosecution produced 03 witnesses. PW-01, doctor Asif Khan, who stated in his cross examination that he prepared Medico legal report of injured Muhammad Serab on 14.12.2020 while Medico legal report of injured Sami Khan was prepared on 30.09.2020. He further stated</p>
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MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
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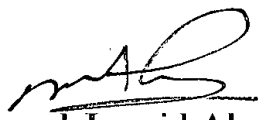
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Continued Order-01	26.05.2025	<p>that both the injured were examined on the same date i.e. 30.09.2020. It is also pertinent to mention here that the occurrence took place on 30.09.2020 and Medico legal of injured Sami Khan was prepared on the same day while Medico legal of injured Muhammad Serab was prepared three months after the occurrence. He also stated that both of reports of injured do not bear my official stamp, which make prosecution case doubtful. Furthermore, no incriminating material has either been recovered from their possession or on their pointation. Furthermore, perusal of the order sheets would reveal that challan was put in court against the accused facing trial on 23.12.2020. Accused were summoned who appeared before the court and formal charge was framed on 26.01.2021 to which the accused pleaded not their guilt and claimed trial. As mentioned above, challan was submitted by prosecution on 23.12.2020 and formal charge was framed on 26.01.2021. Complainant was time and again summoned but he failed to appear before the court. Even warrant of arrest returned unexecuted. Per reports of DFC, complainant namely Muhammad Serab son of Saif Ullah has gone to Dubai, which shows their lack of interest in prosecution of the case. There is no criminal history of accused facing trial.</p>
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**MUHAMMAD JUNAID ALAM**  
Civil Judge / JM-II  
Orakzai at Kalaya

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**FORM "A"**  
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Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

<i>Continued Order-01</i>	<b>26.05.2025</b>	<p>Accused facing trial are facing agony of trial since 2021.</p> <p>Even otherwise, there is no probability of conviction of accused on the basis of available record and evidence produced by prosecution so far.</p> <p>There are so many dents and doubts in case of prosecution.</p> <p>Recording of remaining evidence would be a futile exercise and wastage of precious time of the court.</p> <p>Keeping in view the above facts and circumstances, it is held that there is no probability of accused being convicted.</p> <p>Further proceedings would be a futile exercise and wastage of precious time of the court, therefore, application under section 249-A Cr. PC is accepted and accused are acquitted from the charges levelled against them. They are on bail.</p> <p>Their sureties stand discharged from their liability.</p> <p>Case property be dealt with accordance to law.</p> <p>File be consigned to record room after necessary completion and compilation.</p> <p><b><u>Announced:</u></b> 26.05.2025</p> <p style="text-align: right;"> <b><u>Muhammad Junaid Alam,</u></b> Judicial Magistrate-II, Tehsil Courts, Kalaya, Orakzai</p>
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