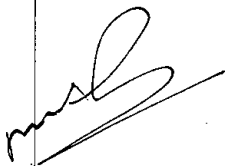


09

FORM "A"
FORM OF ORDER SHEET
 IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
 Case Title: _____ Vs _____

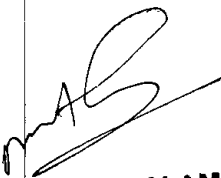
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 30	14.06.2025	<p>APP for the state present. Accused Asif Nawaz on bail along with counsel present. Rest of the accused are absent. Son of complainant present. Counsel for accused filed an application under section 249-A Cr. PC. Arguments on application under section 249-A Cr. PC, heard and record gone through.</p> <p>Brief facts of the case folded in the FIR are that on the day of occurrence, the complainant alongwith Hajad Khan son of Chaman Khan and Haroon Rashid son of Lal Janan came to the police station and reported the occurrence to the local police. That Public Health Department had installed one tube well with solar plates for the villagers of the area. That on 01.05.2023 at about 05:00 PM complainant closed the tube well and locked the main gate of courtyard. On following day i.e. 02.05.2023 at morning time when the complainant came to the tube well and he saw that lock of the main gate was broken by someone and door was opened. He entered and found that thirteen (13) solar plates of 270 watts had been stolen by some unknown persons who also broke the lock of the tube well. He searched the surroundings area and came to know from the inhabitants of locality and after probe and due satisfaction</p>


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

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FORM OF ORDER SHEET

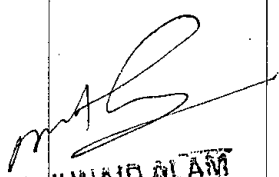
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p>Continued Order 30</p>	<p>14.06.2025</p> <p> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p>	<p>that one Asif Nawaz son of Rehman alongwith four unknown persons had stolen thirteen (13) solar plates. Complainant charged the accused for the commission of offence. Local police came to the spot. IO prepared the site plan on the pointation of complainant. The local police read over the contents of my report in native language which was found correct and the complainant correctly impressed thumb. One Hajad Khan and Haroon Rashid verified the report and signed the same as token of its correctness. His statement was recorded by IO under section 161 Cr. PC.</p> <p>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 they claimed trial. Prosecution was allowed to produce evidence against accused. Prosecution produced five witnesses.</p> <p>Intiaz Khan, SHO PS Daboori stated that during the days of occurrence, he was posted as SHO PS Daboori Orakzai. On 03.05.2023 complainant namely Razman Shah alongwith Haroon Rashid and Hajad Khan came to the PS and reported the occurrence. He incorporated the report in</p>
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FORM "A"
FORM OF ORDER SHEET

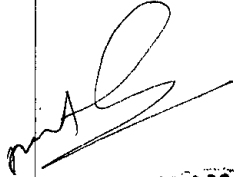
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

Continued Order 30	14.06.2025  MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya	<p>shape of FIR which is Ex. PA. After reading over the contents of the report to the complainant, then he impressed thumb on the same as token of its correctness. Hajad Khan and Haroon Rashid verified the contents of the report and they also signed the same as verifiers. Similarly, he also arrested the accused Asif Nawaz and issued his card of arrest which is Ex. PW-1/1. He interrogated the accused who stated that he kept the solar plates in his residential room. He alongwith accused and other police officials came to the residential room of the accused and recovered 07 solar panel which are Ex. P-1 to Ex. P-7 from the said room on the pointation of accused Asif Nawaz. He took into possession through recovery memo 07 solar plates which is Ex. PW-1/2 in the presence of marginal witnesses. On 11.05.2023 He arrested the accused Muhammad Shabir and issued his card of arrest which is Ex. PW-1/3. On 30.05.2023 he arrested the accused Hashmat Ullah and issued his card of arrest which is Ex. PW-1/4. The IO prepared the recovery sketch on his pointation. On 16.05.2023 he submitted interim challan which is Ex. PW-1/5. On 02.06.2023 he submitted complete challan in the instant case which is Ex. PW-1/6.</p> <p>Constable Abdullah, appeared and deposed as PW-02. He</p>
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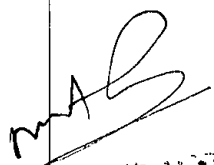
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p><i>Continued Order 30</i></p>	<p>14.06.2025</p> <div><p>MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p></div>	<p>stated that during the days of occurrence, he was posted as HC PS Daboori Orakzai. On 09.05.2023 he was present with OII in the PS. The one Nimat Ullah PC handed over the CDR report consisting upon 11 pages which is Ex. P-8 regarding the involvement of accused Asif Nawaz, Mobile no. 0331-8063498, Hayat Ullah, mobile no. 0336-3578286 and accused Muhammad Shabir, mobile no. 0331-8063498 which was received from the SP office, Orakzai in the PS. The IO took into possession the same in his presence through recovery memo which is Ex. PW-2/1. Similarly, on 14.05.2023, IO took into possession through recovery memo in his presence vide recovery memo is Ex. PW-2/2, the CDR report consisting upon 03 pages Ex. P-9 regarding the involvement of accused Hashmat Ullah, mobile no. 0335-8375360 which was handed over by PC.</p> <p>Constable Sami Ullah was examined as PW-03. He stated that during the days of occurrence, he was posted as constable PS Daboori Orakzai. On 03.05.2023, he was present with SHO and the SHO arrested the accused namely Asif Nawaz. In his presence the SHO cursory interrogated the accused and he told that he kept seven solar plates in his residential room. The SHO recovered seven solar plates from the residential room from the</p>
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FORM "A"
FORM OF ORDER SHEET

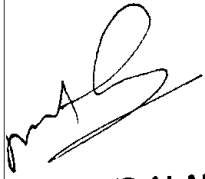
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p>Continued Order 30</p>	<p>14.06.2025</p> <p> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p>	<p>accused mentioned above in his presence. The same took into possession through recovery memo which is already exhibited as Ex. PW-1/2 by the SHO in his presence.</p> <p>Head Constable Khalil ur Rehman appeared and desposed as PW-04. He stated that during the days of occurrence, he was posted as head constable PS Daboori Orakzai. On 03.05.2023, the SHO handed over to him seven solar plates in the instant case as case property on his returned to PS at about 17:00 hours. He made entry in the copy of register no. 19 which is Ex. PW-4/1 and kept the same in safe custody of PS Maal-Khana.</p> <p>Razman Shah/complainant appeared and deposed himself as PW-05. He stated that that on 01.05.2023 at about 05:00 PM he closed the tube well and locked the main gate. On next day 02.05.2023 at morning when he came to the tube well he saw that lock of main gate was broken and door was in open condition. He entered the tube well and saw that thirteen solar plates of 270 watts were stolen and some unknown persons broke the lock of the tube well and taken away the solar plates. He searched and came to know from the inhabitants of locality that one Asif Nawaz son of Rehman and four other unknown persons have stolen the above thirteen solar plates. He charged the accused for the</p>
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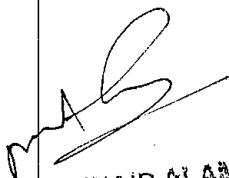
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IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p><i>Continued Order 30</i></p>	<p>14.06.2025</p> <p> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p>	<p>breaking the lock of tube well main gate and thirteen solar plates. Police came to the spot and IO prepared the site plan on his pointation. One Hajat Khan and Haroon Rashid verified the report and signed the same as token of its correctness. He thumbs impressed the report.</p> <p>PW-01, SHO Imtiaz Khan stated in his cross examination that at the time of arrest of accused Asif, he did not try to escape. Accused Hashmat, Rahat and Shabir were not directly charged in the FIR. It is correct that FIR was registered on 03.05.2023 after lapse of 03 days of report. It is correct that no recovery has been affected from Hashmat, Rahat and Shabir the possession of above mentioned accused. Accused did not confess their guilt.</p> <p>PW-02, stated in his cross examination that CDR date was handed over the IO to PC at about 03:00 PM. It is correct that he is the only marginal witness of both the recovery memos. It is correct that no sign of seal of the concerned company are available on the CDR report. It is also correct that no audio or video alongwith CDR is available on record. It is correct that as per CDR report accused Hayat Ullah location is in Kohat. It is correct that the CDR data is not attested from any authorized person. Furthermore, it is not mentioned that the CDR data of which company. It is</p>
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FORM "A"
FORM OF ORDER SHEET
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Case Title: _____ Vs _____

<i>Continued Order 30</i>	<p>14.06.2025</p> <div> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya.</div>	<p>correct that the CDR data on the day of occurrence regarding 01.03.2023 is not available.</p> <p>PW-03, stated in his cross examination that no recovery is affected from the accused Hashmat Ullah, Rahat Gul and Muhammad Shabber. It is correct that he did not produce register No.19 before the court.</p> <p>PW-04, stated in his cross examination that he did not stated a single word in his examination in chief about the accused facing trial regarding recovery.</p> <p>PW-05/complainant stated in his cross examination that he lodged the first report at about 11:00 am. The police came to the spot and prepared the site plan on 03.05.2023. When he reported to the local police he spent half hour in the PS then he left the PS for the search of solar plates. It is correct that he has not charged any accused before the local police in his report. He has not produced any document to the local police regarding his duty on the alleged tube well. It is correct that he had not mentioned the accused Asif Nawaz in the PS at the lodging of FIR. He has not handed over the document of the ownership of the property. He is not the government employee on the said tube well. The occurrence took place at night and he saw on the next day i.e. 02.05.2023 that solar plates were stolen by someone. It</p>
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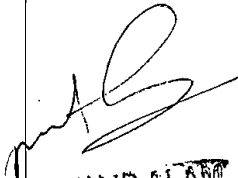
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IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p>Continued Order 30</p>	<p>14.06.2025</p> <p> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p>	<p>is correct that there are some other houses are situated near the tube well. When he reached to the tube well no other people was present there. He went to the PS on 03.05.2023 at about 11:00 hours and he lodged the report against unknown persons. On 03.05.2023, SHO Imtiaz informed him telephonically that the solar were recovered. He did not disclose him about the place of recovery. On 03.05.2023 after evening he went to the PS and charged the accused for the commission of offence. The SHO also told him that solar are recovered from accused Asif Nawaz. He charged the Asif Nawaz on the instruction of SHO Imtiaz Khan. It is correct that one person informed him that your thirteen solar plates were recovered on the check-post of Zerra. He did not went to the Zerra check-post. The local police did not record his statement regarding identification of solar plates. He did not disclose the name of the informer to police. It is correct that alleged recovery was not affected in his presence. It is correct that the people who drinking the water from the tube well did not lodged the report against the accused. It is correct that he had stated in his report that the tube well ownership of public health. He reported the matter to Public Health. He is not class-IV employee of concerned department. It is correct</p>
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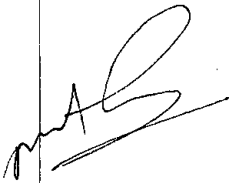
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

<p>Continued Order 30</p>	<p>14.06.2025</p> <div><p>MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya</p></div>	<p>that he had not mentioned in the report that seventy-three solar were installed on the tube well. He has not handed over the broken lock to the local police. It is correct that he has not charged the accused Hayat in the instant case.</p> <p>Perusal of record reveals that initially the case was registered against accused Asif Nawaz and four unknown accused. During interrogation of accused Asif Nawaz, he nominated the accused Hayat Ullah and Muhammad Shabbir for the commission of offence. On interrogation of accused Muhammad Shabbir, he nominated two persons namely Hashmat Khan and Rhat Gul for the commission of offence.</p> <p>Furthermore, it was a night occurrence. PW-05 in his cross examination admitted that there was a night time and he saw the stolen solar plates on next day i.e. 02.05.2023. No light at spot at the time of occurrence. They also stated that no identification parade of the accused was conducted at the time of occurrence. Source of information regarding involvement of accused in the commission of offence has not been disclosed by complainant in his report. FIR was lodged on 03.05.2025, after laps of 03 days of report. No recovery has been effected from the accused Hashmat, Rahat and Shabir, who are charged for the commission of</p>
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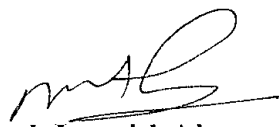
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<p>Continued Order 30</p>	<p>14.06.2025</p> <p> MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya.</p>	<p>the offence. As per CDR data accused Hayat Ullah located at Kohat. CDR data on the day of occurrence regarding 01.03.2023 is not available. No attestation from any authorized person on CDR data. PW-04, Sami Ullah who is the marginal witness in the instant case did not stated any single word in his examination in chief about the recovery from accused Hashmat Ullah, Raht Gul and Muhammad Shabeer. PW-05, who is the complainant in the instant case have not charged any accused before the local police in his report. He did not produce any single documents before the police regarding his duty. At the time of lodging of FIR complainant did not charge accused Asif Nawaz. He is not government employee of the said tube well. PW-05/complainant stated that one person informed me about thirteen solar plates recovered on the Ziarra check post but he did not disclose the name of the informer. The alleged recovery was not affected in the presence of complainant. House of accused Asif Nawaz situated in between the village of Sarkoty. No one from the village who drinks water from the said tube well lodged report against accused.</p> <p>More so, no evidence is available on file to connect the accused with commission of offence. Accused have not</p>
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<i>Continued Order 30</i>	14.06.2025	<p>confessed their guilt before the court. No recovery has been affected at the spot from accused facing trial. Per record, there is no criminal history of accused facing trial.</p> <p>Keeping in view the above facts and circumstances, it is held that there is no probability of accused being convicted. Further proceedings would be a futile exercise and wastage of precious time of the court, therefore, application U/S 249-A Cr. PC is accepted and accused are acquitted from the charges levelled against them. They are on bail. Their sureties stand discharged from their liability.</p> <p>Case property be dealt in accordance with the law.</p> <p>File be consigned to record room after necessary completion and compilation.</p> <p><u>Announced</u> 14.06.2025</p> <p style="text-align: right;"> Muhammad Junaid Alam, Judicial Magistrate-II, Tehsil Courts, Kalaya, Orakzai</p>
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