

IN THE COURT OF MUHAMMAD JUNAID ALAM,
JUDICIAL MAGISTRATE-II, TEHSIL KALAYA, ORAKZAI

Case No. 83/2 State Vs Mudabir Ali etc, FIR No. 23 dated: 11.03.2023
U/S 506,34 PPC, PS Kalaya

Order. 35

24.06.2025

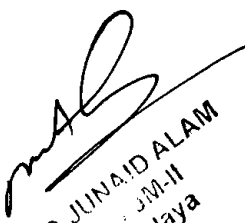
APP for the state present. Accused Tanab Ali on bail along with
counsel present. Accused Mudabir is absconding. Complainant absent.

PWs absent.

Today, the case was fixed for recording evidence of
prosecution, however, statement could not have recorded as PWs are
not before the court today.

Accused after being charged for the commission of the offence
was arrested and later on, released on bail. Challan was put in court
against accused. Accused was summoned who appeared before the
court and formal charge was framed to which accused pleaded not his
guilt and claimed trial. Thereafter, prosecution was allowed to
produce its evidence. But thereafter, neither statement of PWs have
been recorded nor complainant appeared before the court.

Perusal of record reveals that complainant namely Waseem did
not bother to appear before the court from 27.08.2024 till date fixed.
His last appearance before the court was on 12.08.2024.


MUHAMMAD JUNAID ALAM
Civil J. M-II
Orakzai at Kalaya

As per section 249 Cr. PC when complainant did not appear before the court, Court has the power to stop the proceedings at any stage without pronouncing any judgement either of acquittal or conviction, and may thereupon release the accused.


In the given circumstances, court has decided to stop the instant case U/S 249 Cr. PC with the directions to SHO Police Station concerned to re-submit the case along with the accused on bail, complainant and PWs, if the complainant get interested in the prosecution of instant case.

Case property, if any be kept intact.

Copy of this order be placed on police file and the same be returned while file of this court be consigned to record room after its necessary completion and compilation.

Announced.

24.06.2025


(Muhammad Junaid Alam)
Judicial Magistrate-II,
Kalaya, Orakzai