

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

Case No. 27/2 of 2023

Mad No. 08 Case FIR No. 15 Dated: 506,34 Pakistan Panel Code, 1860,
Police Station Daboori, District Orakzai.

Order No. 25


21.07.2025

Accused Khial Bat Khan on bail present. Rest of the accused are exempted. Arguments on application under section 249-A Cr. PC heard and record gone through.

Brief facts of the case are that on 19.07.2023 at 18:10 hours complainant Muhammad Shabbir S/O Gulab Khan alongwith Ihsan Ullah and Muhammad Ayaz came to the PS and Muhammad Shabbir/complainant reported the occurrence to the local police. According to the report on the day of occurrence, complainant alongwith Ihsan Ullah were busy in their fields. At 17:30 hours accused facing trial namely Ghani and Wali Khan duly armed with kalashinkov and accused Muhammad Umar armed with knife and Walo Khan duly armed with pistol assaulted them. They beaten the complainant due to which he got injured. After beating accused Ghani

Ihsan and Wali Khan started aerial firing for criminal intimidation.

Hence, the complainant charged the accused for the commission of the offence. The local police read over his report and he thumb impressed the same as token of its correctness. One Muhammad Ayaz is also the eye witness of the occurrence. He verified the report as verifier. Injury sheet of injured Ihsan Ullah and Shabbir were prepared



MUHAMMAD JUNAID ALAM
Civil Judge / II
Orakzai at Kalaya

20

and sent to the Type-D Hospital through constable Ghani Rehman belt No.771 and handed over to the medical officer on duty.

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 has produced so far only one witness.


Perusal of the available record shows that accused/petitioner through instant application states that after recording of statement of PW-01 there is no probability of conviction of accused petitioner at later stage. Furthermore, accused were charged in the instant case are of old age. It is also pertinent to mention there that the complainant in the instant case is absent from 15.10.2024 almost for the last 08 dates of hearing. Hence, complainant in the instant case is not interested to pursue the instant case against the accused facing trial. Furthermore, it was also revealed that the instant case i.e. Mad no. 08 is the cross version of FIR no. 15. Moreover, there is no eyewitness of the occurrence. It is also worth mentioning here that no FSL report of the recovered crime empties is placed on the record. Moreover, PW-01 stated in his cross examination that when they reached to the spot, there were no police official present. PW-01 in his cross examination stated that they reached to the spot at about 08:30 AM while the occurrence took place at about 17:30 hours.


MUHAMMAD JUNAID ALAM
Civil Judge / JM
Orakzai Kalaya

Hence, in the light of above discussion, the case of prosecution is full of dents and is one of further inquiry. Hence there is no probability of the conviction of accused facing trial at later stage even after recording of entire prosecution evidence rather it would be a futile exercise and would be wastage of precious time of this court. Accordingly, the application filed under section 249-A Cr.P.C. is hereby allowed and accused facing trial are hereby acquitted under section 249-A Cr.P.C from the charges levelled against them. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds. Case property, if any, be kept intact till period of appeal.

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

Announced:
21.07.2025



Muhammad Junaid Alam
Judicial Magistrate-II,
Tehsil Courts, Kalaya, Orakzai