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FORM "A"
FORM OF ORDER SHEET

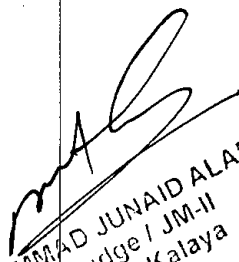
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

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 20	12.07.2025	<p>Accused Fazal Ameen on bail alongwith counsel present while accused Wali Khan exempted. Counsel for complainant present.</p> <p>Vide this order the Court intends to dispose of instant application filed under section 249-A Cr.P.C.</p> <p>Arguments heard and record perused.</p> <p>Brief facts of the case folded in FIR, that on 18.03.2024 at about 08:20 hours SHO PS Kalaya received information regarding the occurrence during patrolling. On receipt of information SHO alongwith police party proceeded to the spot at Momin Garhi, Utman Khel, Orakzai, where complainant Muhammad Gul son of Said Rehman reported occurrence to the local police.</p> <p>That on the day of occurrence, he (complainant) alongwith laborers namely Rustam Khan son of Izzat Khan and Muhammad Gul son of Qadir Gul were taking a tractor trolley of soil from the field of Izzat Khan to the house of Kamil Khan. That after some distance at the place of occurrence, accused Wali Khan and Fazal Ameen were duly armed with deadly weapons who started firing upon the complainant alongwith laborers with common intention to commit their lives. Complainant luckily escaped unhurt</p>


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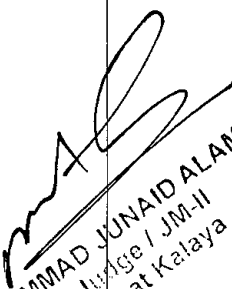
Continued Order 20	12.07.2025	<p>and trolley was hit by their firings. The motive behind the offence was dispute over the landed property, hence, the instant FIR was lodged against the accused facing trial.</p> <p>Accused were arrested and later on, released on bail. Complete challan was put in court 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 claimed trial. Prosecution was allowed to produce evidence against accused facing trial. Prosecution produced four witnesses. PW-01 (ASHO) in the instant case. He deposed in his cross examination that at the time of registration of FIR Moharrir was present in the PS but he himself lodged FIR against the accused. Self-stated that being a senior officer, he chalked out the FIR. He deposed in his cross examination that he had not mentioned the details of tractor and trolley in the Murasila. PW-03, Moharrir of the PS Asmat Ali appeared before the Court and stated in his cross examination that it is correct that it is not mentioned in his 161 Cr. PC statement the details of case property. Further stated in his cross examination that he has not produced the register no. 19 regarding the case property before the Court. Perusal of the record would transpire that complainant</p>
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Continued Order 20	12.07.2025	<p>charged the accused facing trial.</p> <p>It is pertinent to mention here that complainant has not appeared before the court for single date of hearing, which shows their lack of interest in prosecution of the case. There is no criminal history of accused facing trial. Accused facing trial are facing agony of trial since 2024. 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>It is also worth mentioning here that alleged firing was ineffective though even the complainant was in complete range of firing, so the section 324 PPC is not attracted in the instant case. Furthermore, FSL report is not available on case file, which shows dents in the case of prosecution.</p> <p>In light of above discussion, the instant case is hereby disposed of under Section 249-A Cr.P.C. Accused facing trial namely Fazal Ameen son of Wali Khan and Wali Khan son of Muhammad Hussain, residents of Qom Utman Khel, Fatha Khan Khel, Orakzai are hereby acquitted from the charges levelled against them. Their sureties stand discharged from the liability of bail bonds. Case property, if any, be kept intact till expiry of period of appeal and thereafter be dealt in accordance with law.</p>
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Continued Order 20	12.07.2025	<p>Police record be returned forthwith to quarter concerned.</p> <p>File be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced</u> 12.07.2025</p> <p> <u>Muhammad Junaid Alam,</u> Judicial Magistrate-II, Tehsil Court Kalaya, Orakzai</p>
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