

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

Case No. 43/2 State Vs Hashim etc, FIR No. 26 dated: 14.03.2023
U/S 302,324,34 PPC, PS Kalaya

Order. 59

29.08.2025

Accused are absconding. Complainant absent. PWs absent.

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

Complete challan u/s 512 Cr. PC was put in court against absconding accused namely Hashim Khan and Khanza Gul. Search witness namely Ahmad Khel appeared before the court and recorded his statement as SW-01. Accused are avoiding their lawful arrest. Thereafter, prosecution was allowed to produce its evidence within the meaning of section 512 Cr.PC. So far 08 PWs have recorded their statement, but thereafter, neither statement of remaining PWs have been recorded nor complainant appeared before the court.

Perusal of record reveals that complainant namely Sabireen did not bother to appear before the court from 19.10.2023 till date fixed which shows lack of interest of complainant in the instant case.

As per section 249 Cr. PC when complainant did not appear before the court, Court has the power to stop the proceedings at any


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

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, 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.

29.08.2025



(Muhammad Junaid Alam)

Judicial Magistrate-II,
Kalaya, Orakzai