

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


Case No. 16/2 State Vs Fateh Khan etc, FIR No. 19 dated: 29.03.2024
U/S 506,34 PPC, PS Kalaya

Order. 26

07.08.2025

Accused Mudabir are absconding. Complainant absent. Private

PWs absent.


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

Today, the case was fixed for recording evidence of prosecution, however, statement could not have recorded as private

PWs are not before the court today.

Complete challan u/s 512 Cr. PC was put in court against absconding accused namely Fateh Khan, Zar Maeen and Yasmeen. Search witness namely Ali Hussain 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 04 PWs have recorded their statement, but thereafter, neither statement of remaining private PWs have been recorded nor complainant appeared before the court.

Perusal of record reveals that complainant namely Shan Wali did not bother to appear before the court from 05.06.2024 (date of

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institution) 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 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.

07.08.2025



(Muhammad Junaid Alam)

Judicial Magistrate-II,
Kalaya, Orakzai