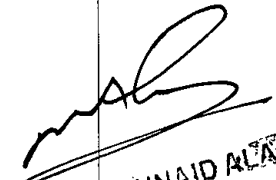


47

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-57	20.09.2025	<p>None present for the State. Accused/respondent Mehboob Ali alongwith counsel present while remaining accused/respondents are exempted. Complainant in person alongwith counsel present.</p> <p>Vide this order the Court intends to dispose of the instant application under section 249-A Cr.PC.</p> <p>Brief facts of the case in hand are that complainant Akram Hussain alongwith Haleem Khan came to the police station on 10.04.2021 at 12:00 PM and reported, that on 06.04.2021, we were busy in our fields situated near Kalaya Bazar. In the meantime, the police party of police station Kalaya arrived and they told us that the accused/respondent Dayar Ali and other have reported to us that the property belongs to them. The police party stopped them to work to solve the dispute. An official jirga was appointed on 10.04.2021. On the same day we were waiting for jirga members while the accused/respondent namely Mehboob Ali said that call your jirga members early. And the same time the accused/respondents Mehboob Ali, Dayar Ali, Qayum Ali and Sher Ali Khan started quarrel with us and started fight due to which complainant, Haleem Khan and Manan Ali got injured.</p>


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

FORM "A"
FORM OF ORDER SHEET

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

		<p>Eyewitness of the occurrence are Haleem Khan and Manan Ali. Complainant charged the accused for the commission of offence. The one Haleem Khan signed the report of complainant as verifier. The local police read over the contents of complainant report as token of its correctness. Report of the complainant was reduced in shape of mad No. 04 dated 10.04.2021. Motive behind the occurrence is land dispute.</p> <p>After completion of investigation, complete challan was put in court against the accused/respondents. Provisions of Section 241-A Cr. PC were complied with. Formal charge was framed. Accused/respondents pleaded not guilty and claimed trial. Prosecution was allowed to produce evidence against accused facing trial, 04 PWs have been examined so far.</p> <p>Malak Janan SHO was examined as PW-01. He stated in his cross examination that FIR was inadvertently registered in the instant case and later on, on the directions of the prosecution, complaint was prepared and submitted in the court and cancellation report was submitted accordingly.</p> <p>Dr. Usman, was examined as PW-02. He stated in his cross examination that as per X-Ray report, there is no fracture.</p> <p>Wasil Khan, was examined as PW-03. He stated in his</p>
--	--	---


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

FORM "A"
FORM OF ORDER SHEET

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

cross examination that the injured came to the PS at about 12:20 hours.


Karim Hussain, was examined as **PW-04**. He stated in his cross examination that he had taken injury sheets and nothing else, it was 03:30 PM. He handed over the injury sheet to doctor and returned to the PS at about 04:30 PM.

Arguments of learned counsel for accused/respondents and complainant heard.

Arguments of the counsel for accused/respondents through instant application allege that a series of contradiction exist in the statements of PWs and furthermore, there are serious dents in the evidence so far recorded by the prosecution, which make the case of prosecution one of further inquiry.

Furthermore, he alleged that the instant case was put in Court on 27.07.2021, since then the prosecution has produced only four (04) witnesses which shows the lack of interest in the instant case. He further alleged that there is no probability of conviction of accused at later stage after recording of entire/remaining evidence of prosecution.

Contrary to this counsel for the complainant vehemently opposed the instant application and argued that accused have been directly charged in the instant case. He further argued that there exists no dent in the prosecution evidence


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

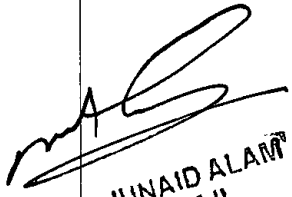
FORM "A"
FORM OF ORDER SHEET

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

and furthermore, the application in hand is pre-mature, hence the prosecution may kindly be allowed to produce their remaining evidence in order to bring home the charge against accused facing trial.

In given circumstances, perusal of the evidence, so far recorded by the prosecution, in the instant case would reveal that Malak Janan SHO in the instant case appeared as PW-01 in the witness box and had deposed in cross examination that *"it is correct that FIR was inadvertently registered in the instant case. Later on, on the directions of the prosecution, complaint was prepared and submitted in the court. PW-02 the doctor in the instant case appeared before the court and stated in his cross examination that I have not mentioned size of injuries/wounds in my report. Per X-Ray report, there was no fracture. The alleged injury was in normal condition."*

As for as the injured is concerned, it is pertinent to mention here that PW-03, stated in his cross examination that injured came to the PS at about 12:20 hours. While PW-04 stated in his cross examination that I had taken injury sheets at 03:30 PM and I handed over the injury sheet to doctor and returned to the PS at about 04:30 PM. On the other hand, PW-02 the doctor in the instant case appeared


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

FORM "A"
FORM OF ORDER SHEET

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

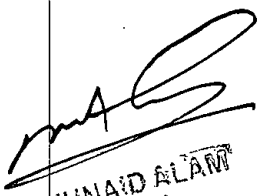
before the court and stated in his cross examination that the injured was brought to the hospital at 04:14 PM. This major contradiction in the prosecution case, makes the prosecution case for further inquiry.

It is also worth mentioning here that as per medical report the nature of injury was simple while complainant had alleged in Mad no.04 that he got injured with hits of bricks, so in these circumstances the question arises that how a wound caused through bricks may be declared as simple wound by the doctor.

Moreover, no independent witness has been cited as witness in the instant case and thus prosecution failed to comply with the mandatory provisions of section 103 Cr.P.C.

Hence, in the light of above discussion, the case of prosecution is full of dents and is one of further inquiry.

Furthermore, there exist vast contradictions in the statements of PWs. Hence there is no probability of the conviction of accused facing trial at later stage 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 u/s 249-A Cr.P.C. is hereby allowed and accused/respondents facing


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai Kalaya

FORM "A"
FORM OF ORDER SHEET

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

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
20.09.2025



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