

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

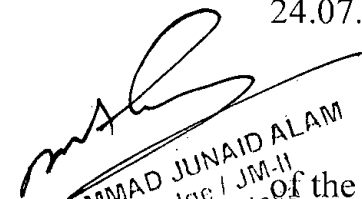
Criminal case No. _____ of 2025, **FIR No. 82 Dated: 24.07.2025 U/S: 324,34 PPC Police**
Station: Kalaya, Lower Orakzai

State Vs Ahmad Ullah etc

Order No.01
09.10.2025

Complete challan along with discharge application received from^a prosecution. Be entered. Accused Ahmad Ullah and Zahid Aman are on bail. Discharge application has been submitted by District Public Prosecutor. APP for the state was confronted with the same for arguments.

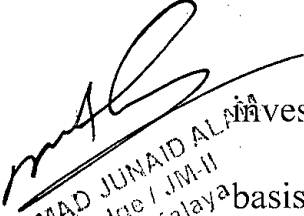
Record shows that complainant namely Sajjad Gul ASHO has charged the accused namely Ahmad Ullah and Zahid Aman for commission of the offence U/S 324,34 PPC vide FIR No. 82 dated 24.07.2025 of PS Kalaya.


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

As District Public Prosecutor has filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC. Prosecution has requested for discharge of the accused on the ground that there is no sufficient evidence available to sustain the charge against the accused. It is submitted that no specific source of information has been mentioned in the FIR from which the alleged information was received. It is further contended that the accused was not arrested on the spot, nor was any recovery of narcotics, weapon, or

any other incriminating article effected from his possession or the place of occurrence.

Learned DPP further submitted that no injury has been caused to any party, no empties or weapons were recovered from the spot, and there is no confession or admission on the part of the accused connecting him with the alleged offence. The DPP stated that continuation of proceedings on such weak and inconclusive evidence would be nothing but a futile exercise, resulting in unnecessary wastage of precious court time and public resources. Therefore, permission is sought to withdraw from prosecution and discharge the accused from the case.


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

Per contents of application, the police record, and the investigation file. It appears that the case was registered merely on the basis of a general allegation without any concrete or corroborative evidence. There is no eyewitness account, nor any recovery to substantiate the charge that the accused was engaged in dealing, transporting, or possessing narcotics substances.

The investigation record further reflects that the accused was not apprehended at the spot, and no recovery memo or seizure report has been placed on file. The absence of any empties, weapon, or physical evidence from the place of occurrence further weakens the prosecution story. There is also no voluntary confession or any other admissible evidence to connect the accused with the alleged offence.

The learned DPP, being the competent authority under the Prosecution Act, 2005, after objective evaluation of the case record, has rightly concluded that the prosecution does not possess sufficient material to justify continuation of proceedings. The discretion vested in the DPP under Section 4-C(ii) and 5(B) of the said Act, read with Section 494 Cr.P.C., has been exercised in a fair and lawful manner.


In view of the submissions made and material available on record, this Court finds that no prima facie case is made out against the accused. Continuation of prosecution in such circumstances would serve no useful purpose and would amount to abuse of the process of law.

Accordingly, the application filed by the learned District Public Prosecutor under Section 4-C(ii), 5(B) of the Prosecution Act, 2005 read with Section 494 Cr.P.C. is allowed. Permission is hereby granted to the prosecution to withdraw from the case.

Consequently, the accused are discharged from the instant case FIR No. 82, dated 24.07.2025, registered under Sections 324,34 PPC PS Kalaya.

File be consigned to record after completion of necessary formalities.

Announced:
09.10.2025


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