


FORM "A"
FORM OF ORDER SHEET

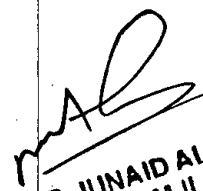
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

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 13	28.08.2025	<p>SPP for the state present. Accused facing trial namely Muhammad Khial Rehman alongwith counsel 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>Perusal of the available record shows that accused/petitioner through instant application states that after recording of statement of PW-01 there is no probability of conviction of accused petitioner at later stage. Furthermore, counsel for the accused/petitioner stated that during cross examination PW-01 has deposed that I had not seen the accused before his arrest and at the time of arrest the accused had little pocket money. He further stated that we raided the house of accused and we had no female police officials. He further states that so far prosecution has produced only one witness till date and prosecution is reluctant to produce their prosecution witnesses in the instant case. Contrary to this learned SPP for the state vehemently opposed the instant application and argued that accused has directly been charged in the instant case. He further argued that there exist no dent in the prosecution evidence and furthermore, the application</p>



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Continued Order 13	28.08.2025	<p>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. Record reveals that accused was arrested and later on, released on bail. Complete challan was put in court against the accused. Accused was summoned. He appeared before the court. Provisions of Section 241-A Cr. PC was 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 one witness. i.e. PW-01 in the instant case.</p> <p>Perusal of the record would further transpire that complainant/SHO charged the accused facing trial for providing shelter to the accused required in another case vide FIR no. 17 dated 21.09.2024 under sections 302/34 police station Daboori, however, PW-01 in his cross examination has not utter a single word regarding the involvement of that accused in the instant case. It is also worth mentioning here that the instant case was registered against the accused facing trial on 20.12.2024 and since then, the complainant/SHO and other prosecution witnesses have not appeared before the court for single date of hearing, which shows their lack of interest in prosecution</p>
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Continued Order 13	28.08.2025	<p>of the case. There is no criminal history of accused facing trial. Accused facing trial is 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. Furthermore, there exist contradictions in the statement of PW-01. 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 under section 249-A Cr.P.C. is hereby allowed. Accused facing trial namely Khial Rehman son of Rehmat Khan is hereby acquitted from the charges levelled against him. His 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. Police record be returned forthwith to quarter concerned. File be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced</u> 28.08.2025</p> <p style="text-align: right;"> <u>Muhammad Junaid Alam</u> Judicial Magistrate-II, Tehsil Courts, Kalaya, Orakzai</p>
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