

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


Case No. 50/2 State Vs Bismillah Khan, FIR No. 24 dated: 11.05.2024  
U/S 324,392,337F(iii),34 PPC, PS Mishti Mela

**Order. 15**  
29.08.2025

Accused is 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 Bismillah Khan. Search witness namely Moeen Rehman appeared before the court and recorded his statement as SW-01. Accused is avoiding is lawful arrest. Thereafter, prosecution was allowed to produce its evidence within the meaning of section 512 Cr.PC. So far 05 PWs have recorded their statement, but thereafter, neither statement of remaining PWs have been recorded nor complainant appeared before the court.

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

Perusal of record reveals that injured/complainant namely Israfeel Khan did not bother to appear before the court from 30.10.2024 (date of 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.**  
29.08.2025

  
(Muhammad Junaid Alam)  
Judicial Magistrate-II,  
Kalaya, Orakzai