

IN THE COURT OF SENIOR CIVIL JUDGE/JM ORAKZAI

Case No24/2 of 2024.

Date of institution.....05.09.2024.

Date of decision.....30.10.2025.

*Case FIR No. 37, dated 19.06.2024, U/S 324/34 PPC. PS Kurez Boya*Order. 24

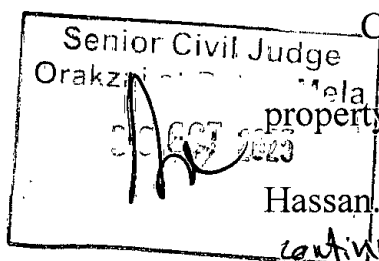
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Sr.PP for the state present. Complainant Israr Hussain present.

Accused on bail along with counsel present. Arguments on application u/s 249-A Cr.PC already heard and record gone through.

Brief facts of the prosecution's case as unfolded in the FIR are that complainant, Israr Hussain reported the occurrence to the local police to the effect that on 19.06.2024, he was constructing hujra at the place of occurrence. On 19.06.2024, the accused Shehzad Ali and Jawad Husain attacked and fired upon him. He made the report to the local police which he thumb impressed. The motive for offence was dispute over landed property. He charge the accused for the commission of the offence. PW Kamil verified his report.

After completion of investigation, interim along with complete challan was put in court against accused. Provisions of Section 241-A Cr. PC were complied with. Formal charge was framed. Accused pleaded not guilty and claimed trial. Prosecution was allowed to produce evidence against accused. So far, 06 PWs have been examined.



Constable Khial Hussain was examined as PW-01. He took the case property to the FSL, Peshawar. PW-02 is the statement of Muharrir Ibadul-Hassan. He incorporated the contents of murasila into FIR Ex.PW-2/1. He
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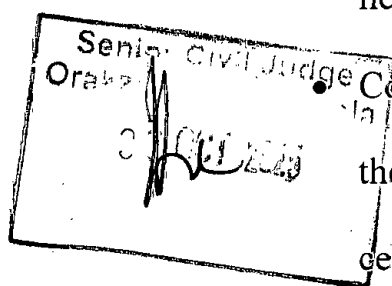
State VS Jawad Hussain and one other

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also made entry in register 19 Ex.PW-2/2. PW-03 is the statement of constable Nasir Hussain. He is marginal witness to the recovery memo Ex.PW-3/1. PW-04 is the statement of SHO Aftab Hassan. He reduced the report of complainant in shape of murasila Ex.PW-4/1. He also arrested he accused and issued his card of arrest Ex.PW-4/2. On 02.07.2024, he submitted interim challan. Complainant Israr Hussain was examined as Ex.PW-05. PW-06 is the statement of SI Hashim Khan who investigated the case. He prepared site plan in the instant case Ex.PB. Photographic from the spot are Ex.PB/1 to PB/11. Recovery memo regarding 05 empties of 303 bore is Ex.PW-6/1. Application for physical custody is Ex.PW-6/2. Card of arrest regarding accused Shehzad Ali is Ex.PW-6/3. Application for FSL is Ex.PW-6/4. Receipt and report of FSL are Ex.PW-6/5 and Ex.PW-6/6. He recorded the statements of PWs u/s 161 Cr.PC. From the evidence so far recorded the following observations could be safely inferred:

- In contradiction with the prosecution's version of facts, the complainant concedes that the murasila was written for and thumb impressed by him at the police station.
- The complainant further contradicts the IO and recovery memo on the alleged recovery of empties. He states that the SHO recovered the empties, while the IO claims that he recovered it, and whoever he adds, contradicts him on recovery is lying.



Complainant, claiming innocence of his knowledge of time, denies the fact of him carrying a cell phone, and in the next line reports his cell number to be 03353094746. continued...

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- He also contradicts that IO on the visit to site and reports that he did not visit on the same day.

In view of the above, there is no probability of accused being convicted even if the trial is proceeded to conclusion. Further proceedings would be a futile exercise and a waste time of the court, therefore, application U/S 249-A Cr. PC is accepted and accused facing trial namely are acquitted from the charges leveled against them. They are in custody, they be released if not required in any other case.

File be consigned to record room after necessary completion and compilation.

Announced.
30.10.2025



(Ijaz Mahsood)
Senior Civil Judge/JM,
Orakzai at Baber Mela