

FORM "A"
FORM OF ORDER SHEET

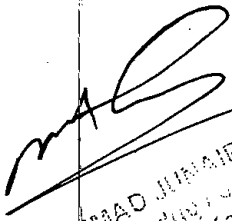
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

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 16	27.10.2025	<p>APP for the state present. Accused facing trial namely Khaista Gul on bail alongwith counsel while accused Meer Abbas is absconding. Complainant present.</p> <p>Vide this order the Court intends to dispose of the instant case under section 249-A Cr.PC.</p> <p>Brief facts of the prosecution's case as unfolded in the FIR are that, complainant namely Rasool Badshah made a report to the local police vide DD no. 09 dated 31.05.2024 to the fact that he being a government contractor, got a contract from one, Liaqat Ali. An agreement deed was signed between him and a private contractor Meer Abbas, on the grounds that the absconding accused Meer Abbas has purchased a crush machine plant with Rs.22,70,000/- (Rupees twenty-two lacs and seventy thousand) which was repaired/renovated by spending Rs. 24,30,270/- with the contents of Meer Abbas where after they became co-partners shares equal loss and profit. Beside that the complainant has also paid debt of Rs. 645,000/- liable to be paid by Meer Abbas to one Khaji. The complainant appointed accused Khaista Rehman facing trial as a watchman and handed over a licensed/Kalashnikov to take care of the plant and its running machineries. Accused</p>


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

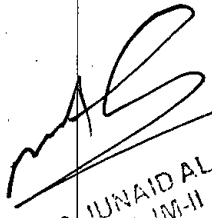
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	 MUHAMMAD JUNAID ALAM Civil Judge/Judicial Magistrate-II at Kalaya	<p>facing trial with the connivance of accused Meer Abbas had taken the plant and kept the Kalashnikov in the possession of accused facing trial. The matter was referred to police and inquired by local police, on the basis of which the instant FIR was registered against the accused.</p> <p>Accused Khaista Rehman was arrested and later on, released on bail, while accused Meer Abbas is absconding. Complete challan was put in court against the accused facing trial. 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 is reluctant to produce its evidence. Prosecution produced only one witness i.e. Gul Asghar OIL. Arguments heard and record gone through.</p> <p>Perusal of the record and arguments of the counsel for the parties would reveals that complainant charged the accused facing trial namely Khaista Rehman and absconding co-accused for breach of criminal trust.</p> <p>Perusal of the record further transpire that major role is assigned to the absconding accused Meer Abbas. it further reveals that no specific or direct allegation of entrustment</p>
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	 MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya	<p>or misappropriation has been attributed to the accused Khaista Rehman. The material on record shows that the accused had at best a minor and peripheral role in the alleged transaction, and his involvement appears to be nominal without any concrete evidence of dishonest intention.</p> <p>In such circumstances, there is no probability of conviction even if the prosecution evidence is recorded in full. It is also worth mentioning here that the complainant report to the local police on 31.05.2024 and FIR was lodged on 09.06.2024, unreasonable delay. It is also pertinent to mention here that the complete challan against the accused facing trial was registered on 16.10.2024 and since then, the prosecution produced only one witness before the court, which shows lack of interest on the part of prosecution. Furthermore, the complainant in the instant case also not interested to pursue the case, repeatedly he was absent on severe date of hearing. 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.</p> <p>In light of above discussion, the instant case is disposed of under Section 249-A Cr.P.C. Accused facing trial namely</p>
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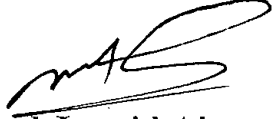
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Khaista Rehman is hereby acquitted from the charges levelled against him. His sureties stand discharged from the liability of bail bonds. Case property, if any, be kept intact till expiry of period of appeal and thereafter be dealt in accordance with law.

Prima facie case exists against absconding co-accused namely Meer Abbas, who intentionally avoiding his lawful arrest, hence, accused is named above is hereby declared as proclaimed offender. His name be entered in register/list of proclaimed offender. Perpetual warrant of arrest be issued against him. Copy of this order alongwith perpetual warrant be sent to the District Police Officer, Orakzai for compliance.

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

Announced
27.10.2025


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