

**IN THE COURT OF SENIOR CIVIL JUDGE/JM ORAKZAI**

Case No .....11/2 of 2025.

Date of institution.....29.01.2025.

Date of decision.....17.11.2025.

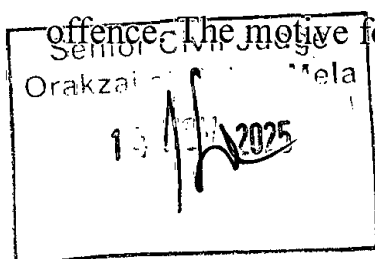
*Case FIR No. 30, dated 12.11.2024, U/S 427/447/506/148/149 PPC. PS Ghiljo***Order. 24**

17.11.2025

DPP for the state present. Complainant Abid Khan present. Accused are absent. Counsel for the accused submitted exemption application on behalf of accused. The said application accepted and accused are exempted for today only. Arguments on application u/s 249-A Cr. PC heard and record gone through.

Brief facts of the prosecution's case as unfolded in the FIR are that complainant, Abid Khan reported the occurrence to the local police to the effect that on 12.11.2024, he along with PW Akhtar Shah visited their property/hills for inspection. On reaching there, they saw that accused Mewa Khan, Tabib Khan, Yousaf Khan, Shah Hanif, Aman Ullah and Aurangzeb were busy in cutting trees. They verbally prohibited them from cutting trees as case is pending in court regarding the disputed property. Upon this the accused became furious and made aerial firing with intention of criminal intimidation. They reported the matter to the local police which reduced into Naqal Mad No. 10 dated 21.10.2024. Complainant thumb impressed the same. He and PW Akhtar Shah pointed out the place of occurrence to the IO. He charged the accused for the commission of the

offence. The motive for offence was dispute over landed property.



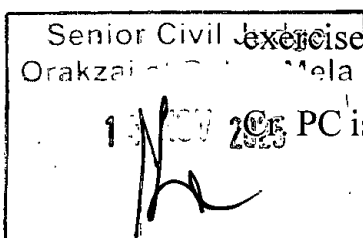
(18)

After completion of investigation, 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, 03 PWs have been examined.

From the evidence so far recorded the following observations could be safely inferred:

- No empties from the alleged firings were recovered. Complainant claims recovery of empties by police but the latter denies it.
- Investigation officer has omitted to seize chopped woods, take photographs, or mention the kind and number of the trees allegedly axed.
- Nothing is on record about the proprietary entitlement of the land in question.
- Complainant and an eye witness who accompanied him to the spot contradict one another by two hours in respect of their arrival on the spot.
- In view of the foregoing, the court is of the view that the trial, if continued, is unlikely to result in conviction. The evidence is both deficient and defective.

Since 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 Mewa Khan, Tabib Jan,

Yousaf Khan and Aman Ullah are acquitted from the charges leveled against them. They are on bail. Their sureties stand discharged from their liability. Accused Shah Hanif and Aurangzeb are absconding; hence, they are hereby declared as proclaimed offenders. Their names be entered in register/list of proclaimed offenders. Perpetual warrant of arrest be issued against them.

Case property, if any be kept intact till arrest and trial of absconding accused name above. File be consigned to record room after necessary completion and compilation.

**Announced.**  
17.11.2025

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