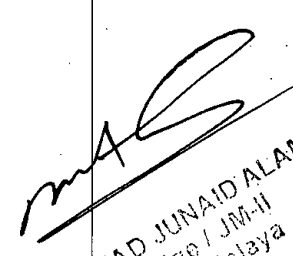


FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

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 30	27.10.2025	<p>APP for the state present. Accused facing trial namely Rafiq, Hadeed and Tauseef are bail alongwith counsel present. 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 Kamal Hussain, Ranger Officer reported on behalf injured Muhammad Jan, the occurrence to the local police of PS Mishti Mela which was scribed in DD vide mad No. 16 dated 18.03.2024, wherein, it is alleged that they performed their duty in Forest Department Orakzai. The high ups of his department unloaded tractors from the timber smugglers. On the day of occurrence, the Divisional Forest Officer directed the complainant to go to the spot and loaded tractors from the alleged timbers and brought to the Orakzai Headquarter. He alongwith injured Muhammad Jan, Muhammad Ajmal and Muzamil were proceeded to the spot. When we reached to the spot and loaded the tractors, in the meantime, accused namely Rafiq, Hadeed and Tauseef, which were the timber smugglers and they said that you have not taken the timbers. We said to them that it is the directions of high ups</p>


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

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	 MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya	<p>and we performing our duty. Upon the same the accused facing trial started quarrel to us. Accused Hadeed hit the Muhammad Jan and got injured. Complainant charged the accused for the commission of offence. The local police read over the contents of my report which is he signed the same as token of its correctness. The local police prepared the injury sheet of the injured and sent to the hospital through constable Ijaz.</p> <p>Accused were arrested and later on, released on bail. Complete challan was put in court against the accused facing trial. Accused were summoned. They appeared before the court. 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 facing trial. Prosecution produced nine witnesses. PW-01, Muhammad Jan/injured stated in his cross examination that it is correct that forest inside Orakzai are not government property. When PW-06, Kamal Hussain/complainant in the instant case appeared and deposed in his cross examination he admitted that the incident of unloading of woods was not occurrence of 18.03.2024. He also admitted that it is not mentioned on the judicial file regarding prohibition of</p>
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	<p>forest. It is further correct that forest act is extended to Orakzai. It is correct that FIR was no lodged under the forest act. It is also correct that it is not available on case file that how many tractors were unloaded by high ups. When IO in the instant case appeared before the court and admitted in his cross examination that there is no previous criminal history of accused facing trial. He further deposed in his cross examination that it is correctly recorded in 161 statement that accused were transferring the woods for personal use inside the Orakzai.</p> <p>Perusal of the record would transpire that the alleged occurrence took place on 18.03.2024 at 15:30 hours and it was reported on 18.03.2024 at 17:20 hours and FIR was registered on 21.03.2024. Kamal Hussain, Forest Officer, (PW-06), is complainant of the case. He stated in his cross examination that it is correct that the incidents of unloading of woods was not occurrence of 18.03.2024. He further stated in his cross examination that it is not available on case file regarding the prohibition of forest. Furthermore, the complainant not handed over the piece of wood which was used for alleged offence to the police. When PW-07, the IO in the instant case appeared before the court and stated in his cross examination that there is no notification</p>
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is available on file regarding the transportation of woods for local purposes. PW-01, Muhammad Jan/injured stated in his cross examination that it is correct that forest inside Orakzai are not government property. It is also noted that he prosecution all the prosecution witnesses produced by prosecution so far have disclosed that all the forest in District Orakzai are not government property rather the people of the areas are owners in possession.

It is also pertinent to mention here that nothing incriminating was recovered from the possession of accused or on their pointation. Source of information regarding involvement of accused in commission of the offence has not been disclosed. Accused have not confessed their guilt before the court. Hence, case of prosecution is full of dents and doubts benefit of which goes to the accused as of right. There is no probability of accused being convicted. Further proceedings would be a futile exercise and wastage of precious time of the court, therefore, application under section 249-A Cr. PC is accepted and accused facing trial are acquitted from the charges leveled against them. They are on bail. Their sureties stand discharged from their liability. Case property, if any, be kept intact till expiry of period of appeal and


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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.

Announced

27.10.2025



Muhammad Junaid Alam,

Judicial Magistrate-II,
Tehsil Courts, Kalaya, Orakzai