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AIN ULLAH VS ABID ULLAH
Cr. Revision No. 11/10 of 2025

STATE VS ABID ULLAH
Cr. Revision No. 14/10 of 2025

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

CRIMINAL REVISION NO. : 11/10 OF 2025
DATE OF INSTITUTION : 07.11.2025
DATE OF DECISION : 09.02.2026

AIN ULLAH S/O KHAMEEN GUL, CASTE MISHTI, NAWI MELA,
DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

ABID ULLAH S/O AZIZ MANAN, CASTE MISHTI, NAWI MELA,
DISTRICT ORAKZAI

..... (RESPONDENT/CONVICT)

CRIMINAL REVISION NO. : 14/10 OF 2025
DATE OF INSTITUTION : 15.12.2025
DATE OF DECISION : 09.02.2026

STATE THROUGH COMPLAINANT AIN ULLAH S/O KHAMEEN
GUL, CASTE MISHTI, NAWI MELA, DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

ABID ULLAH S/O AZIZ MANAN, CASTE MISHTI, NAWI MELA,
DISTRICT ORAKZAI

..... (RESPONDENT/CONVICT)

JUDGEMENT
09.02.2026

These two criminal revision petitions were preferred by the complainant and state against the judgment dated 23.10.2025 passed by the Court of learned Judicial Magistrate, Tehsil Courts Kalaya, District Orakzai in case No. 1/2 of 2025 whereby the respondent was convicted in case FIR No. 52, Dated 08.09.2024, registered at Police Station Mishti Mela and sentenced to 01 year and 02 months rigorous imprisonment with fine of Rs. 30,000/- u/s 324 PPC. In default of payment of fine, he was directed to


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undergo 03 months and 05 days simple imprisonment. He was also convicted and sentenced to 01-year rigorous imprisonment each under Sections 337-A(v) and 337-F(iii) PPC. The benefit of Section 382-B CrPC was extended to the appellant.

2. According to averments of the FIR, the local police, while responding to the information regarding the incident, rushed to DHQ Hospital Hangu on 07.09.2024 and found the injured Khameen Gul in the emergency room in unconscious condition. The son of the injured namely Ain Ullah reported the matter at 2120 hours that he along with his father were on their way to their house at 2035 hours after offering *Isha* prayer on the eventful day. When they reached to the place of occurrence, the accused Abid Ullah duly armed was already present there, who, on seeing them, started firing; as a result, his father sustained injuries on his head and shoulder while the complainant luckily escaped unharmed. He further reported that the injured was taken to DHQ Hospital with the assistance of family inmates.

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3. After completion of investigation, complete challan was put in Court. The accused was summoned. Copies were provided to him u/s 241-A CrPC and he was formally charged. He pleaded not guilty and claimed trial. The prosecution produced a total of ten (10) witnesses before the Court of Judicial Magistrate whereafter statement of the

accused was recorded. The accused neither recorded his statement on oath nor produced any evidence in defence. The learned Trial Court, after hearing both the parties, convicted and sentenced the appellant as mentioned above; hence, this appeal was preferred. Notice given to respondent and prosecution. Arguments heard and record perused.

4. Without touching merits of the case, it is pertinent to note that the respondent was found guilty by the learned Trial Court and convicted him u/s 324, 337-A(v) and 337-F(iii) PPC for attempt to commit Qatl-i-amd of the father of complainant and thereby causing injury to him. The punishment provided u/s 337-A(v) PPC is arsh, and imprisonment of either description for fourteen years and the punishment provided for section 337-F(iii) is daman, and imprisonment of either description for three years. But the learned Trial Court sentenced the respondent for one (01) year rigorous imprisonment each u/s 337-A(v) and 337-F(iii) PPC without awarding arsh and daman as provided under the said sections of law.

5. In view of the above, it is held that the impugned judgment is not in accordance with the law. These revision petitions are, therefore, allowed partially. The impugned judgment is set aside and the case is remanded back to the Trial Court for rewriting the judgment in accordance with law. The



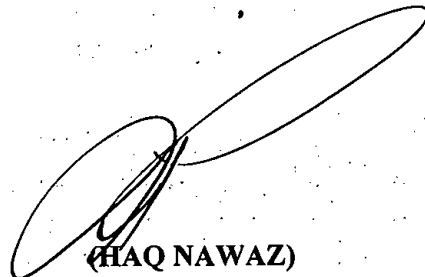
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respondent shall remain on bail in the meanwhile subject to furnishing bail bonds to the tune of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of the Trial Court. The parties shall appear before the Trial Court on 16.02.2026 for further proceedings. File of this court be consigned to record room after its necessary completion and compilation. Copy of this judgment be placed on Criminal Appeal No. 7/10 of 2025.

Announced:
09.02.2026



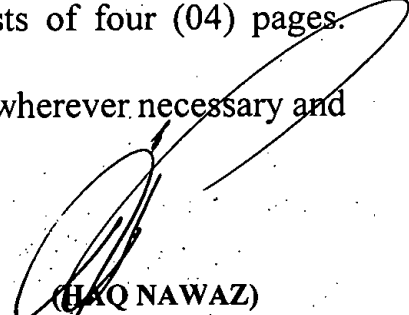
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CERTIFICATE

Certified that this judgment consists of four (04) pages.

Each page has been read, corrected wherever necessary and signed by me.

Dated: 09.02.2026



(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela