

IN THE COURT OF SENIOR CIVIL JUDGE/JM ORAKZAI

Case No2/JC of 2025.

Date of institution.....17.06.2025.

Date of decision.....10.02.2026.

Case FIR No. 28, dated 28.05.2025 U/S 380/457 PPC. PS Kuriz Boya.

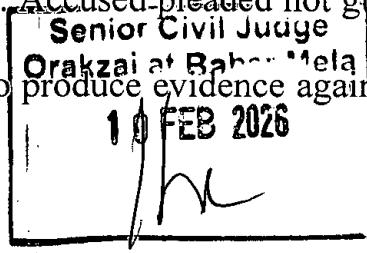
Order. 27

10.02.2026

Sr. PP for the state present. Accused Sadiq Ali along with counsel present. Complainant absent. Arguments on application u/s 249-A Cr. PC on behalf of counsel for accused/petitioner already heard. Arguments on behalf of Sr. PP for the state heard today and record gone through.

Brief facts of the prosecution's case as unfolded in the FIR are that complainant, Muhammad Ishfaq reported the occurrence to the local police to the effect that on 21.05.2025, he along with Sajid were sleeping in his room when he got up in the morning. He noticed that someone has committed theft of his mobile phone vivo Y19-S and 110,000/- cash amount from his room. On 22.05.2025, he reports the occurrence to the local police against unknown accused in shape of application submitted to police. He was inquiring about the actual accused and later on, he came to know that accused Sadiq Ali has committed theft from his room. In this respect, he recorded statement u/s 161 Cr. PC wherein, he charged the accused for the commission of offence.

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, 04 PWs have been examined.



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

Complainant stated in his cross examination that he has not directly charged the accused Sadiq Ali in the instant case. He did not remember the name of other person who was sleeping in his room. He did not remember the time of report. The recovery has not affected in his presence. Complainant admitted in his cross examination that site plan is not prepared on his pointation. He has no business transaction with the accused. He did not know about the accused facing trial. He himself not seen the accused about the alleged occurrence. He did not remember the time and date of the report. He did not remember the date and time of occurrence. He did not want to continue the case against the present accused because compromise has been effect outside the court verbally. He has got no objection if the accused facing trial is acquitted in the instant case.

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 is acquitted from the charges leveled against him. He is in custody; he be released if not required in any other case.

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

Announced.

10.02.2026


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